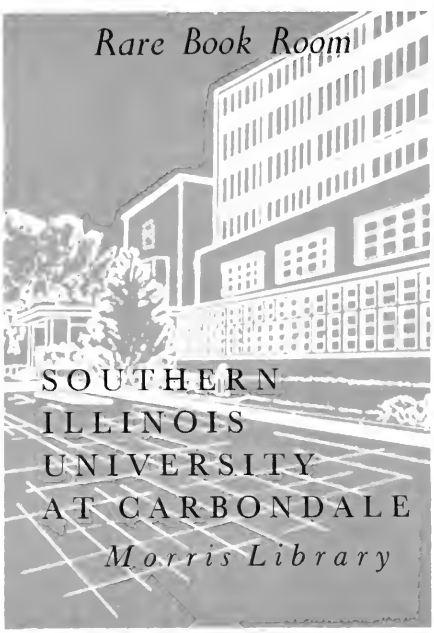

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REVISED ORDINANCES

OF THE

CITY OF BELLEVILLE,

WITH THE

CITY CHARTER AND AMENDMENTS:

WITH

AN APPENDIX,

CONTAINING THE CHARTER OF THE CITY OF SPRINGFIELD, AND THE GENERAL AND SPECIAL LAWS RELATING TO THE CITY OF BELLEVILLE, AND TO INCORPORATED TOWNS AND CITIES:

TOGETHER WITH A

BRIEF HISTORY OF BELLEVILLE,

BY EX-GOVERNOR JOHN REYNOLDS.

REVISED BY

T. J. KRAFFT, CITY ATTORNEY,

AND

PUBLISHED BY ORDER OF THE CITY COUNCIL.

Belleville, Ill:
PRINTED BY G. A. HARVEY.
1862.

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INTRODUCTION.

I pursue the good old fashion to give a short introduction of the following pages to the public.

The city government of Belleville has decided to publish a short and authentic history of the city from its earliest days to the present time. It is hoped that both the city and the public will be benefited by the work. The public at a distance will be made better acquainted, by a correct history, with the benefits and advantages of this city than they are at present, and thereby many efficient business men, mechanics, and others, to advance their interest and business, will be induced to see and settle in Belleville.

Under this view of the subject, the Hon. the Corporation of the City of Belleville, with the worthy Mayor, Mr. Gœdeking, at their head, will receive the thanks and approbation of the public for presenting the following pages, giving a true statement of the rise, progress and future prosperity of the city of Belleville.

I was requested by the Mayor and City Government to write the above history, and all I can say on the subject is, that the public may rest assured that the statement of facts contained in the following pages will be true and correct, so far as I am able to present them. I was a resident of the country and county long before Belleville had an existence, and have witnessed its rise and progress to the present time. I have been a resident of the city for more than thirty years, and I hope, taking all these considerations together, that I will be able to give to the public a true and correct history of the city of Belleville.

JOHN REYNOLDS.

P. S.—The city government decided to publish the ordinances of the city of Belleville at all events, and it also decided to append to the ordinances the following history of the city.

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THE HISTORY

OF THE

CITY OF BELLEVILLE.

CHAPTER I.

THE POSITION OF THE CITY OF BELLEVILLE, AND ITS FUTURE PROSPECTS.

The city of Belleville is situated upon a gently rising eminence, near the centre of St. Clair county, Illinois, in latitude 38° and 36′ north, and 13° west longitude, and west of Washington City. The location, and the beauty of the surrounding country, is not surpassed by any place in Southern Illinois. Although objected to by some, the climate is a happy medium between the extremes of the North and South, and in it a laboring man can perform as much work as in any climate in America. I believe the largest and most wealthy cities on the globe are found within the range of this temperature, although the degrees of latitude may be different.

This city is situated in the midst of the most fertile and productive agricultural regions in the United States, and the county of St. Clair, of which Belleville is the seat of justice, is admitted to be among the most wealthy and productive counties in the State, or in the whole valley of the Mississippi. This city is situated on the elevated country about midway between the Mississippi and Kaskaskia rivers, and surrounded by a plain of beautiful, undulating country, whose beauty is not surpassed in the State. On any elevated point in, or near, the city, a great portion of the country, as far as the eye can extend, may be seen at a single glance, and the rich soil, and the well improved farms, extending in every direction around, would surely make any one believe that he beheld the finest agricultural country in the Union.

It is not only the county of St. Clair that surrounds this city with its inexhaustible agricultural wealth, but almost the same quality of soil and improvements extend a great distance to the East, North and South, from whence Belleville derives a great commercial business. It is the country

that makes the city, and, in the same proportion that the agricultural interests rise in any country, will be the progress and prosperity of the cities. The cities of the West have kept pace with the country, and the same degree of improvement will mark the progress of Belleville, if the citizens will observe a liberal and wise policy. There are no cities on the continent that have sprung up so fast, and so great, as St. Louis, Cincinnati and Chicago, and the great productiveness of this mammoth valley of the West has caused it. The ultimate high destiny of this city, and its triumphant success, no reasonable man can doubt.

The increasing growth and prosperity of Belleville have never been arrested, and even in this crisis of the country, the city has not ceased to improve and advance in wealth. I pretend not to say that this city has advanced as much the past season as it has done in some years before, but I do believe that it has improved more, and done better, than almost any other city of the West, with the same population. Some competition and friendly emulation do not injure an individual, or city, and the city of Belleville, though it has for its neighbors many small towns, and the great city of St. Louis, yet it has no fears of being injured, or retarded in growth, by the competition or rivalship of these towns. This city has, and enjoys a friendly intercourse, and pleasant business relations, with the surrounding towns, and is not injured, but benefited by the friendly connection.

Belleville is the largest and most flourishing city in Southern Illinois, and may be termed, with propriety, the Queen of Egypt, but having no blood relationship with Queen Cleopatra. Under all circumstances, this city must, in its future, rise into an importance and greatness that will surprise its most ardent admirers and friends.

CHAPTER II.

THE CONCEPTION OF BELLEVILLE—ITS LOCATION AND ITS BIRTH.

Every intelligent man in the West knows, that most of this giant valley of the Mississippi was owned by the State of Virginia, up to the great river above mentioned, and that Virginia, in the year 1778, soon after the conquest of the country from England by Gen. Clark, laid out a county, including all the inhabitants in the colonies on the Mississippi, and called it "The County of Illinois." In 1784, Virginia conveyed all this vast region of country to the Confederacy of the States, and Arthur St. Clair, the Governor of the North-west Territory, established the county of St. Clair in 1790, which county included all the settlements on the Mississippi.

In 1795 Randolph county was laid off, and Kaskaskia was the seat of justice for that county, and Cahokia for St. Clair.

In this early period there was not one American settlement within the present limits of this county, except Piggot's Fort, in the present Monroe county, in the American Bottom, east of Columbia, and perhaps a few families within the immediate vicinity of the Fort. The Indian war raged at this time.

In process of time the American people settled in St. Clair county, on the high lands, east of the American Bottom, and the French colonies on the Mississippi were found to be in a minority at the ballot box. The conception of moving the county seat of St. Clair, from the French village of Cahokia, to some eligible point more in the centre of the county, was discussed among the people in the summer of 1813, and the fine phrenzied conception, more substantial than the imagination of the great poet, assumed "a local habitation and a name." It was decided at the ballot box that the county seat was to be moved from Cahokia to a more central position in the county, and members were elected to the Legislature to give birth to the conception. The following is a copy of a record, found in the proceedings of the Court of Common Pleas, of St. Clair county, at the December term, 1813:

ORDERED: "That the Clerk notify John Hay, James Lemen, Isaac Enochs, Wm. Scott, Jun., Nathan Chambers, Jacob Short and Caldwell Cains, Commissioners appointed by the Legislature to fix upon a place for the seat of justice of this county, and that they meet at the house of Col. Whiteside, on the 25th of January next, and to make return at our next February term, under their hands and seals."

At the April term of the same court (1814) the above named Commissioners made the following report, which is recorded on page 103, of the Court Records:

"In pursuance of a law passed by the Legislature of the Illinois Territory, on the 10th day of December, 1813, at the village of Kaskaskia, for the purpose of fixing on the place of holding courts in the counties of Madison, St. Clair and Johnson, and by virtue of a written order, issued from the Court of Common Pleas, directed to us, Commissioners for the county of St. Clair, to meet on the 25th day of January, 1814, at the dwelling house of Col. William Whiteside, for the purpose of fixing the seat of justice for the said county of St. Clair, we, the Commissioners, met agreeable to order, (all being present,) and made no decision, for the want of the law, and the proper officer to administer the oath required in that case. We then adjourned, and appointed to meet on Monday, the 14th

of February, at the village of Cahokia, and we met accordingly, and postponed our decision for further consideration and view of situation and place. Then appointed to meet at the dwelling house of George Blair, and met accordingly, (all being present.) A majority could not agree, then we again postponed our decision, and appointed to meet on Thursday, the 10th of said instant, (March,) at the said dwelling house of George Blair, (all being present,) and we, a majority of said Commissioners, have agreed and fixed the county seat for St. Clair county on the land of George Blair, and have marked the place for that purpose, about twenty-five rods north-east from the dwelling house of the said George Blair, in his cornfield, and we, a majority of said Commissioners, further report the said George Blair has proposed and agreed to give a donation for the use and benefit of said county of St. Clair, of a public square, containing one acre of land, for the purpose of erecting public buildings thereon, and to relinquish twenty-five acres of land adjoining next around the public square, and he also proposes to give every fifth lot of land of the twenty-five acres, exclusive of the streets, a donation for the use and benefit of the county.

"Given under our hands and seals, this 10th day of March, 1814.

ISAAC ENOCHS, [SEAL.]
JAMES LEMEN, [SEAL.]
JACOB SHORT, [SEAL.]
NATHAN CHAMBERS, [SEAL.]
JOHN HAY, [SEAL.]

"George Blair comes into court and says he will have conveniences made by next June term to hold the court at this place at that term. And Mr. Blair received six dollars for hauling benches, seats and tables of the court house from Cahokia."

At page 109 of the court records, it is ordered by the court "that a court house and jail be erected at the new county seat." This decree of the court was made at the March term, 1814, and the next term of the court was held in Belleville.

I understood at the time, that George Blair gave the name of Belleville to the new county seat, and the public acquiesced in it. The name Belleville has become familiar by use, and it is a short and an agreeable sounding word. The name is French, and means in English "a fine, or beautiful city," and has in reality come to be what its name indicates. Most of the city of Belleville is built on section twenty-one, township one, north of range eight west.

The above chapter of records shows the location of Belleville, and its rise, progress and future prospects, and demonstrates the truth that the selection of the site was wise and judicious.

CHAPTER III.

GEORGE BLAIR AND BELLEVILLE.

George Blair is magnified into some notoriety and fame by his connection with the city of Belleville, and the same is carried out without much of his agency or talents. He is made conspicuous and distinguished amongst men by force of circumstances—a destiny which he did not control. He was an ordinary man; but he owned the land on which this city was founded, and by thus riding on the back of Belleville, without any great merit, his name will be transmitted to late posterity.

The first time I saw Mr. Blair was in the fall of 1806, and I was well acquainted with him from that time until his death. He then resided in a log cabin, covered with split boards and weight poles, and occupied a point a few feet east of the mansion of Mr. Russell Hinckley, in this city. This log cabin and this man were somewhat similar in their humble positions at this time, in 1806, and were the primitive specimens of men and houses that then appeared in Belleville. Mr. Blair located at this place to enjoy the fine spring water that at this time is used in Mr. Hinckley's steam mill.

And to return again to the notoriety of the land proprietors on which cities are founded—Mr. Blair is not the first that has become conspicuous on such occasions. We read that a vessel, filled with men, women and children, of the Greek nation, was driven ashore in an humble condition, and asked only for as much earth as a bull's hide would cover on which to live. The request was granted; but the cunning Greeks cut the bull's hide into small strips, and, by this cunning device, the bull skin was extended around a considerable tract of land, on which these immigrants built a city. Mr. Blair was a man of medium size and middle age in 1814, and possessed nothing attractive about him. He was not wealthy at the time; but he had purchased two militia rights of one hundred acres each, and located them on the land whereon Belleville is built. He had a small farm, extending from his log cabin to about the north side of the public square, in the present city of Belleville, and it was not well cultivated. Mr. Blair, like many other persons, had a natural and inborn hatred to work, and scarcely ever permitted his peace of mind to be disturbed by any kind of labor whatever.

Mr. Blair immigrated with his father to Illinois in the year 1796, and had not the means of any, or much, education. He was no scholar, but supposed he was, and he had the imprudence on all occasions, in and out of order, to use words of wondrous length, and mostly inapplicable.

Although he was idle and indolent, he contracted no immoral habits so far as I saw in him.

Mr. Blair erected the first private mansion in the town of Belleville. Mr. Etienne Pensoneau built the first court house about the same time—in the summer of 1814. This mansion (Blair's) was the first hotel erected in Belleville; and is to this day standing erect, in defiance of time and want of paint, on the south-east corner of Illinois and Second South streets. The walls of this venerable house are composed of large hewn logs, laid horizontal, and weather-boarded over. It is two stories high, and had but two rooms below, when it was first built, so far as I recollect.

I was always a guest of Mr. Blair's hotel, when there was no other; and I can testify that the landlord was blessed with a good nature and a benevolent spirit; but "mine hostess" was pretty much the reverse of *her husband*, as the truth of history will not permit me to call him "her lord and master."

Mr. Blair procured Mr. John Messenger, I am informed, as I cannot find any record of it, to survey and lay off the town of Belleville. I have examined an ancient plat of the city, in a book of the County Court Records, at page 8, deposited in the present County Clerk's Office, and I find that the plat of the city was laid down on a scale of four chains to the inch, and on the cardinal points. The streets, I am informed, were named by Mr. Blair, as well as the city itself. The most eastern street in the town was called Church street, and on westward are Jackson, High, Illinois, Spring and Hill streets. The streets north and south from the public square are numbered 1st, 2d and 3d. The street extending east and west through the public square is called on the plat St. Clair street, but, by common usage, it has become known as Main street. This and Illinois street are marked on the plat sixty-six feet wide; and all the others forty-nine and one-half feet wide. There are nine lots in a block; and the lots extending east and west are one hundred and ten feet long, and those extending north and south are ninety-nine feet wide. The blocks on this map are not numbered, but the lots are numbered from one to two hundred and seventy-six, ending at the north-east corner of Church and First North streets.

This survey was made, I presume, in the summer of 1814; but some years thereafter, I saw by the Record Book, that Governor Edwards perfected the survey, and had it recorded in the Recorder's Office of St. Clair county.

What strange and mysterious changes and events will take place with individuals as well as with nations. When I first saw Mr. Blair, in 1806,

he was a very obscure and poor personage, living in a small log cabin. The fine steam mill of Mr. Hinckley is erected on the spring of water which Mr. Blair used in his humble log cabin. And now what a change in the log cabin and uncultivated corn field! The first city in Southern Illinois now covers his corn field and log cabin with large and stately buildings. Himself being connected with the city of Belleville is raised at least into notoriety from his former obscurity.

A greater event has occurred in the Mississippi valley than the above. Since my residence in the West this great valley has been converted from a wilderness to a civilized and improved country, teeming with a happy and prosperous population. When we first settled in Illinois scarcely any population existed in the whole valley of the West, except a few people, sparsely settled in French colonies on the Mississippi and Wabash rivers, and some under the drippings of the Alleghany Mountains in Tennessee, Kentucky and the North-West Territory. But now many millions of people occupy the Western valley; and the whole Union has grown, not only in the extension of settlements, but the population increased from a fraction over three millions in the Revolution, until the late census of the Republic amounts to thirty-two millions of inhabitants. No such event has ever occurred on the earth before as the growth and importance of the United States, not only in population, but in all the various branches of business that produce prosperity, comfort and happiness to the human family.

I will go one step further into the mysteries and unaccountable events that mark the progress of civilized and Christian man—and that is, the present civil war raging in the United States, wherein nearly one million of soldiers are enlisted in the different armies. No nation ever presented such a spectacle as this. It appears that Divine Wisdom, to whom all philosophers and Christians bow, with that humiliation and devotion due from the creature to the Creator, has made the United States his grand theatre on which to demonstrate some human problems, of which other portions of the earth have no conception.

CHAPTER IV.

Mr. John Hay was the next permanent citizen of Belleville after the proprietor, Mr. Blair, and remained in the city until his death in 1843. He was the generalissimo of the pen for the whole county at that day (1814,) as he had been for many years before in Cahokia, while the seat

of justice was located at that village. He was the son of Major Hay, the English Governor of Upper Canada, while the English possessed the country south of the Lakes. Mr. Hay had received a liberal education, and was a classical scholar. He settled in Cahokia, and, as a matter of course and necessity, all the offices that required talents, writing and penmanship were bestowed upon him. He was the general and undisputed writer of wills and contracts, when the parties had any property, which was seldom the case. I knew in those days Mr. Hay's wills by heart. They were almost always exactly similar, and emanated from the honesty of his intentions.

Mr. Hay was never idle nor indolent, but worked while life lasted. He was not wealthy, but he enjoyed a good degree of happiness in his quiet home with his wife. He raised a large and respectable family, and died as he had lived, beloved and respected by all who knew him. In his office he was kind and accommodating. When I would enter his office in those early times, he would exclaim, "Dod drot it, John! What do you want?" All my friends called me at that early day, John, and nothing more. He united himself with the Roman Catholic Church, and died in that faith, praising God.

It was remarked in a preceding chapter that the Court House was contracted to be built in Belleville in the summer of 1814, and Etienne Pensoneau erected it in the centre of the public square. This building was considered quite large for the time and occasion. It was two stories high, and the Court Room below occupied the whole edifice. It was a frame building, and never received a coat of paint. The upper story contained the Jury Rooms and Clerk's Offices. This Court House remained in its position, in the middle of the public square, until the brick Court House, lately torn down, was finished in 1833.

A Jail was built by Mr. Sharp near the spot where the Clerk's Office, lately removed, stood on the public square. It was the voice of public opinion in olden times that the public square was the place for the public buildings, and no where else. I do not know that the wisdom of the present day is any better. I believe there is not, perhaps, a more tasty, elegant and beautiful Court Room in the State than is contained in the new Court House in this city; but it is in the third story, counting the basement, and inconvenient for people to mount two flights of stairs to enter this saloon of justice. The masses should be accommodated on or near Mother Earth, without the time and labor of mounting two flights of stairs.

It was in this Jail that William Bennett was confined before he was

hung for the murder of Stuart. What solemn and awful feelings a human being must have on such occasions!

Mr. Chapman erected the first mill that appeared in or near Belleville. It was a water mill, and built in 1814, on the western side of Richland Creek, not far above the bridge on the road leading from here to Waterloo. Mr. Pensoneau purchased the mill; but it soon ceased to do any good, for want of water.

I believe it was in the fall of the year 1814 that the Hon. Jesse B. Thomas held Court in a log house in Belleville, a few yards north of the house Mr. Blair built for his hotel; and before his Honor I appeared for about the first time as a lawyer to practice the profession. Diffidence was a chronic disease with me; and I never have been able to entirely cast it away to the present hour. My first effort to address the Court was exceedingly painful, and the more philosophy I exerted to discard this foolish sensibility the worse the effort made it.

Gen. Henry, exceedingly popular for his services in the Blackhawk war, and the citizens of Springfield, his residence, gave him a party, but his diffidence was so great and obdurate, that he could not and did not appear in public at the banquet. It is strange that a man may have the courage to face the messengers of death on the battle field as he would the idle wind, yet he could not conquer diffidence.

It appears that Joseph Kerr had the first store of dry goods in Belleville. They were opened in 1814, at Mr. Chapman's mill. He was a brother of Matthew Kerr of St. Louis, from whom he obtained his stock of goods. Messrs. Lindle, Ringgold, Wilkinson, Pensoneau, and perhaps others, opened dry goods stores suitable to the times.

In the year 1815, Mr. Ruben Anderson moved from Cahokia and settled in Belleville. He resided in a small log cabin on Illinois street, not far north of Mr. Blair's hotel. Mr. Anderson went into the hotel business, was soon elected constable, and served, perhaps, as deputy sheriff. He possessed an active, spirited mind, and was an agreeable companion in, and very fond of, social and gay society. This fondness for the gay and mirthful often predominated over his better judgment.

CHAPTER V.

PRIMITIVE INHABITANTS AND BUILDINGS IN BELLEVILLE.

The site of Belleville is much changed since the location of the town in 1814. Parts of it are filled up with earth, and other parts cut away. A pond of water occupied part of the block south of Main street, and be-

tween High and Jackson streets. This sheet of water extended west into High street, covering the ground where the elegant building of Mr. S. Stookey now stands. This pond, after heavy rains, was seventy or eighty yards long, and thirty or forty wide. It extended in a south-east direction from the west corner of the block. This low ground, containing this water, is now filled up, and is one of the most eligible blocks of the city.

James Tannehill immigrated to Belleville in 1817, and built the largest house then in town. This building occupied the corner lot south of Main street, and adjoining the public square on the west, the very spot on which Mr. Maus' hotel now stands. This pioneer edifice was composed of frame work and hewn logs, and what is strange, the logs were placed upon the frame work. The main building was two stories high, but additions and sub-additions were made to it until the whole structure looked like a French village. This hotel at that time was probably the largest in southern Illinois. It stood the storms and tempests, and the moisture and miasma of a backwoods hotel, for a period of forty years, and then yielded to the stately and elegant National Hotel.

Mr. Tannehill was not adapted to the profession of a landlord. He was too kind and easy with his guests, requiring them to pay their bills only when it suited their convenience. He and family labored hard for the public, but they never received any adequate compensation for it. He was a wagon maker, and this trade, with his hotel, kept him about even with the world.

This famous hotel had many landlords. It passed into the hands of Judge Latham of Edwardsville, and he had it kept by Mr. Garrison and lady. Judge Latham was a bachelor, with considerable wealth for that day. After a while it passed into the hands of Wm. Orr, Esq., wherein he died of cholera in 1832. Mr. Maus then become proprietor, and continued in it, until he erected his splendid house before alluded to.

Another hotel was erected by Daniel Wise in 1815, fronting on Main street, a little east of the Primm House. This edifice was considered at the time rather a large building, and it made a tolerably comfortable hotel. At one period Mr. Bottsford was the ruling spirit of this hotel, and gave general satisfaction to the public. The building passed from Mr. Wise into the hands of Mr. Robison, an Englishman. This gentleman had no family. He was a warm and zealous Roman Catholic, and gave the property to that church. My readers will be pleased when I call their attention to the different passions which governed these two men, Latham and Robison. I knew them well, and can testify that they possessed rather better than ordinary talents. Each was well educated. Mr.

Robison was a school teacher, and discharged his important duties to the satisfaction of his employers. Latham possessed in his heart too much gallantry for his landlady, that would lead any man to ruin and death if persisted in. The pure and holy passions of Mr. Robison chastened his heart, and elevated his existence into elysian fields of bliss in this life, with a well founded hope of a seat at the right hand of God.

Another conspicuous and permanent log house was erected by Mr. Kerr in 1815, and occupied the lot on which Mr. Jacob Knoeble's fine brick hotel now stands. This famous edifice passed through many hands and many scenes. In 1844 it was removed, and the spacious Belleville House was placed upon the ground, an ornament to the city. In 1815, Dr. Estes purchased a residence a few hundred yards south of the public square, and made some improvements upon it, and then left the city. At that early day this locality was considered out of the suburbs of the town. The city now extends all around the premises. Mr. Chandler, the proprietor of these lots, has so improved them, that the ladies, at least, would pronounce it a "sweet place."

In the year 1817, Mr. Daniel Murray emigrated from Baltimore and settled in Belleville. This gentleman, the head of a large and respectable family, and they, with the patriarch at the head, made quite an addition to the young town. Mr. Murray purchased and erected a house on the lot in the north-east corner of Mr. Hinckley's mill block. He was a man of sound, solid mind, and exemplary morals. An excellent member of society, he and his family gave weight and standing to good morals and correct principles. This family has branched out from a noble and worthy stock, and bids fair to do honor to their ancestry.

Under an act of the State legislature in 1818, or 1819, the town of Belleville was incorporated. Mr. D. Murray was President of the first Board of Trustees. It will be seen by this that corporations are no new things in Belleville, as the first one is more than forty years old.

John Murray came to Illinois with his father when he was eighteen years old, and he has been a continued and permanent resident of Belleville for more than forty-five years. He is a prominent and efficient citizen, and well deserves to be styled one of the fathers of Belleville. He has held various offices of honor and responsibility, and has performed his duties in public and private to the satisfaction of the community.

CHAPTER VI.

HARD TIMES.—BELLEVILLE STANDS STILL—DEBTORS, ETC.

The war with England had exhausted the country, and the paper currency throughout the nation was broken down and become worthless. These difficulties in the currency, or rather in the want of currency, reached Illinois and Belleville, as it did all other parts of the Union. From 1818 to about 1826, Belleville was almost stationary, and increased in wealth and buildings but little. During part of this time business was measurably suspended, and weeds sprouted and grew upon the public square. Different means were resorted to by the legislature to free the people from embarrassment. In these hard times cows and calves sold for five dollars. Stay laws, bankrupt acts, state banks and many other remedies were adopted, but I believe they injured more than they benefited the people.

Three lawyers, William Meas, A. C. Stuart and Robert K. McLaughlin, reached Belleville about the same time in 1815, and each erected a house and became a permanent resident. Mr. Meas built a log house, two stories high, on Illinois and 1st South street, in which he lived and died. Mr. Stuart erected a frame house, two stories high, on a lot purchased from William Phillips. This house is still standing in the south-eastern suburbs of the city. Mr. McLaughlin built a house adjoining the public square, on the site now occupied by the residence of Mr. James Mitchell. He used it as a hotel, and entertained the non-resident lawyers when attending court. I recollect that in the year 1817, Judge Pope and the Hon. D. P. Cook, attended this term of the court in Belleville.

Mr. Meas, at the time he located in Belleville, was the Attorney General of the Territory of Illinois. He was a good, sound lawyer, and had a good practice, but he never became wealthy by it. The learned professions do not obtain wealth as many other pursuits in business. Very few lawyers, preachers or doctors, become wealthy by their professional business. It is speculation in the west that has made the active business man wealthy. The rise of property—real estate—has made many princely fortunes in the valley of the Mississippi—within a few years past, in the cities of Chicago, St. Louis and even in Belleville. I know that it is mainly by the growth of the country, and the increase in the value of real estate that have made so many men enter the lists of millionaires. A scientific, professional man, who attends to his business, has not the time, nor inclination, to throw away his science and literature, and enter the arena of speculation.

Belleville lingered along in poverty and log cabins for many years after its location. Mr. Etienne Pensoneau, who purchased the land on which Belleville is built, from Mr. Blair, possessed some wealth, but he did not advance the growth of the town by it. He had a small store of dry goods, some negro slaves, the mill on Richland creek, and much other property, but he had not the least notion that the improvements of the city would advance his wealth. Mr. P. was a Canadian Frenchman, and did not talk or understand much of the English language.

About the year 1816, Mr. Taylor, an eastern man, preached in the court house, and observed in his sermon, that there would be two servants in a mill—one would be taken and the other left. Pensoneau was exceedingly irritable and hasty. This expression, falling from an abolition preacher, put Pensoneau in a flame. As soon as the preacher descended from the pulpit, Mr. P. rushed at him with the double tree of a wagon to demolish him, believing it was the intention of the preacher to take one of his slaves from the mill. This affair made much sport at the time.

CHAPTER VII.

PROGRESS OF BELLEVILLE.—MEN AND HOUSES.

Governor Edwards purchased out Belleville from Pensoneau, which gave the town its first grand advance. This event, followed by the erection of a flouring mill on High street, (not far south of Main,) started Belleville into existence, and it has enjoyed a steady growth from that time to the present.

No individual in Illinois was as well calculated to start a town into existence, with the proper means in its reach, as Governor Edwards. He was then a private citizen, and possessed wealth and talents, and a becoming ambition to increase his fortune. He permitted no honorable occasion to escape where he could make money.

He was a man of fine talents, rather on the brilliant and showy order, and was an accomplished orator, and, also a classical scholar. He never abandoned his literary studies until the hour of his death. Possessing a fine library, he used his books not for show in a book case, but for the intrinsic merit of the works. He was active and enterprising in politics, and had many bitter enemies as all great men have. The men opposed to Governor Edwards in politics never gave him the credit for talents and merit that he deserved, in my opinion. I knew him well from his first

entrance into the Territory in 1809, until his death in 1832, by the cholera, and my opinion is founded on the personal knowledge I had of him.

In the year 1818, St. Clair county, and Belleville itself, received several wealthy and respectable families from Bottetort county, Virginia. This acquisition of immigrants added much to the welfare of Belleville, as well as to the county at that early day. Soon after their arrival in the State, James Mitchell, John H. Dennis and B. J. West, then a youth, settled in Belleville, and they are still living in the city. Messrs. Mitchell and West were merchants for many years, and the latter still continues the business to this day. Mr. Mitchell erected two frame houses, the one he lives in, and the other occupied by Messrs. West & Co. as a store, which fronts on the east side of the public square. They were considered in their youthful day about the best houses in town.

Mr. Mitchell was appointed justice of the peace in 1821, and acted in that office and that of postmaster for many years. Mr. Dennis has been engaged mostly as a teacher, and most of the youth of this city, for forty years, have been taught by him. He is now the school commissioner for the county, and he gives life, vigor and efficiency, to the whole free school system. These two gentlemen, for their age, long residence in Belleville, and for their worth and merit, may be termed two of the fathers of the city.

About the year 1818, before Gov. Edwards moved to Belleville, he and Mr. McLaughlin erected a brick house, fronting on Main street, near the place where the brick house of Mr. Murray stands at present. About the same time three other brick houses were built—one by Samuel Crane on High Street, where W. S. Thomas resides—another by a carpenter named Taft, on the spot which is now occupied by the new court house—and the third by S. Hull, on High street, south of Second. This venerable building is yet standing, but alas, it is deserted, and those who built it have ceased to live.

Messrs. Blackwell, Hay, John Murray, Wilkinson, McLaughlin, and most of the leading and prominent citizens, made up a joint stock company, built a house, and filled the library with a goodly number of books for that early day in the west. This institution was kept up for many years, and no doubt was of essential service to those who read and studied the works contained in the library.

In or about the year 1819, Messrs. Wilkinson & Ringgold erected a flouring mill on High street as above stated. This mill was the illustrious predecessor of the famous flouring mills, known all over the west as the "Harrison

mills," which now stand on Main street near Richland creek. The Harrison company have disposed of the mills, but left their name attached to them. The original mill on High street was propelled by oxen walking on an inclined wheel. Steam mills in 1819 were not a demonstrated discovery, and many "tread mills" were found all over the country. I owned a fine one in Illinoistown before steam mills were introduced. This tread mill on High street was sold to Jacob Whiteside, who sold it to Thomas Harrison and Sons. The Harrison family worked and prosecuted the manufacture of flour and the milling business, with an energy and sound practical judgment that have been a great benefit to the town and country, and have made the whole family immense fortunes. When Belleville was humble, weak, and the breath nearly out of it, this mill did it more service than any other institution, man or men, in the town.

Not long before I moved to Belleville, in 1831, the Harrisons had abandoned the *ox* part of the mill, and introduced steam power. The first night we were in Belleville we heard the puffing of the steam, and were much puzzled to know what it was.

In 1818—19, mechanics began to appear in the town, and to make livings for themselves by their trade. Smith and Small were blacksmiths, and commenced business. With Mr. Small, Mr. Conrad Bornman, then a young man, came to Belleville, and has resided in, or near it, where he now resides, ever since. I never saw a more marked case of success with any man, by a prudent, wise, and honest course of life, than is presented by Mr. Bornman. He was then a stranger from Germany, and could scarcely speak the English language, and without money or friends. He abandoned the blacksmith trade, and learned the trade of making and laying brick. He is now wealthy, and possesses a high standing for probity and honesty wherever he is known.

Mr. Bornman was the first German who settled in Belleville so far as I know, and deserves and receives commendation for his irreproachable character.

About the years 1826—7—8, the country began to increase in numbers, and to be developed. Belleville grew in proportion to the country, and has been growing every year since.

CHAPTER VIII.

HEALTH OF BELLEVILLE—IMPROVEMENTS—IMMIGRATION—BITUMINOUS COAL.

There can be nothing more important than the health of a place where any person may reside. I have often expressed it that a person knowing

the facts, and bringing his family into a sickly country, commits a great sin. The mind and body are enfeebled and made weak by a sickly climate, while the reverse is true of those born and reared in a healthy atmosphere. In early times the whole state of Illinois was more or less subject to bilious diseases. The strong, rank vegetation being removed, and the soil well cultivated, a purer and healthier atmosphere has been created. The high grass and weeds do not appear any where as they did in pioneer times. The decomposition of this excess of vegetation in former times rendered the atmosphere impure and injurious to health; whereas there is no strong and heavy vegetation like that in early times. The lakes and swamps in the river and creek bottoms are being filled up with earth, and becoming dry ground and healthy. This at least is the common way to account for the change from the chills and fevers of the fall season to good health.

It is true that the State is at this time one of the most healthy in the Union, and the city of Belleville enjoys as much health as any city in America. This city is not annoyed by lakes or swamps near it, and the atmosphere must be good and pure, as there are no causes to produce the contrary result. The annoying insects known as musquitoes never trouble the people here.

Belleville is located, as has been stated, on the high lands about equi-distant from the Mississippi and Kaskaskia rivers, about fourteen miles from either. The well water is pure and limpid. The wells are usually eighteen or twenty feet deep, and at the bottom is generally found a limestone rock. I do not believe any country affords better water than the State of Illinois, (except mountainous countries,) and this city is not behind any other section of the State in the abundance of pure, excellent water.

The blacksmiths, Smith, Small and others, were the first to use bituminous coal in their shops, and discovered it first in High Prairie, six or seven miles south of Belleville. The first regular coal mine was opened by William Fowler in 1825, and he found a ready sale for it in the city for fuel. This mine was opened south of Belleville, in the bluff, where Richland creek strikes the high lands and makes a sharp curve to the left. Since this mine was opened, it has been discovered that the whole southern part of the State is a coal field, and in and around this city the article may be found any where by sinking a shaft to it. Frequently three different strata are found one over the other, and the lowest the best coal, and often eighty or one hundred feet below the surface of the earth.

Belleville stands above a coal mine, and the article may be found any

place by digging for it. After the rich and fertile soil which surrounds the city, and our proverbially good health, stone coal is the next item of valuable interest and commercial importance. No one element will advance the solid and permanent interests of a city more than the article of coal. I saw in England that coal was essential to the improvement and prosperity of the country, and it is so in this country. Stone coal is the very soul and life of manufactures, and with this powerful engine of prosperity, Belleville is destined to remain the largest city in Southern Illinois.

In connection with the speedy growth of the city, the McAdamized road and the railroad have performed great and important service. These two speedy and cheap communications with the Mississippi and St. Louis, have placed this city for business purposes on the bank of the river. These two roads are checks to one another, and wagons or cars can be used at the pleasure of the public. I am informed that no railroad in America is better stock than the Belleville road, and that the turnpike pays a reasonable dividend on its capital stock. Flour can be conveyed from Belleville to the river about as cheap and speedy as it can be transported from the mills in the western suburbs of St. Louis to the levee.

While on the subject of roads I must mention the plank roads—one leading to Freeburg, seven miles—one to Mascoutah, ten miles, and one to Shiloh, five miles. These roads have already been of great service to the country and city.

CHAPTER IX.

PROFESSIONAL MEN IN BELLEVILLE.

I believe worthy and respectable gentlemen of the learned professions give a community an elevated character and high standing that add much to the prosperity and general welfare of the country. To become great and eminent in the profession of the law requires much study and labor. The student of law, to become profound, must enter the field of science and literature, and become a thorough scholar. It is nonsense for any man to attempt to become great and learned in the science of the law unless he has good talents and remains steadfast in his profession and labors hard.

As already stated, Messrs. Mears, McLaughlin and A. C. Stuart were the first lawyers who located in Belleville. Mr. Stuart was a man of genius, talents and learning, but he came to an untimely death by indulg-

ing too much in social and wild society. The public regretted his loss, and his family were left to buffet the world without a father.

Mr. Mears was a well read lawyer. Gov. Edwards appointed him Attorney General of the Territory of Illinois, and he made an excellent officer to prosecute offenses. He died poor, in 1826.

Mr. McLaughlin did not practice law a great while, but turned his attention to merchandizing. He was once clerk of the county court. In a few years he moved to Vandalia, where he still resides.

David Blackwell became a resident lawyer in Belleville in 1819, and remained here until his death. He was a good, sound lawyer, and practiced his profession exclusively. He edited a paper at the seat of government, Vandalia, but returned to Belleville, where he died. He was an honest, correct man, and opposed the introduction of slavery into the State.

J. W. Whitney and John Turney, Esqs., resided in Belleville for some time. I think Mr. Whitney came to the town in 1816, and Mr. Turney shortly afterwards. The former moved to Pike county, and died not long ago; he was familiarly known as "My Lord Coke." The latter moved to Galena, and was a member of the Legislature in 1826, at Vandalia; he was a good lawyer, and an agreeable man; he died while he was quite a young man.

Adam W. Snyder, Esq., moved to Belleville in the year 1825, and was a resident of the town for many years. He built an elegant brick house; he occupied, at that time, a whole square, fronting on Spring and First North streets. At the time this house was erected, in 1835, I presume it was the best house in town. Mr. Snyder was not only a popular lawyer, but much of his life was spent in public employment. He was a man of genius and talents, and possessed exceedingly popular manners. He remained in friendly fellowship with the jurors, who nearly always set it down that he was right in his address to them. He was elected to the General Assembly often, and to Congress. He was always a Democrat, and was a candidate for Governor when he died, and would, no doubt, have been elected had he lived.

Non-resident lawyers attended Belleville in great numbers. Col. Benton, Judge Pope, Daniel P. Cook, E. K. Kane, Thomas Reynolds, Sidney Breese, Starr, Winchester, myself, and perhaps others I may have forgotten. St. Louis furnished many talented and eminent lawyers, among them Col. Rufus Eaton, Edward and C. S. Hempstead, J. W. Peck, U. S. Judge, David Barton, and his brother Joshua, Lucas and McGinnis, and perhaps others, whom I do not recollect.

The Belleville bar, in olden times, was the strongest in all the western

valley, taking into consideration the talents and the great number of members. I give the names of the bar here, that the present generation may look back with honest pride to the Belleville bar, in the times which never can return: Hon. Jesse B. Thomas, and Hon. William Sprigg, U. S. Judges for the Territory—one or the other presided in the courts, and the bar was composed, at different sessions of the court, of Col. Benton, David Barton, Gov. Edwards, Judge Pope, Hon. E. K. Kane, Hon. Daniel P. Cook, Mr. Lucas, Hon. Thos. Reynolds, Hon. Sidney Breese, Hon. A. W. Snyder, Col. Rufus Eaton, Judge Peck of Missouri, Starr, Blackwell, Edward Hempstead, and C. S. Hempstead of Galena. I was an humble member of the Belleville bar until 1818, when I presided as Judge until 1824. A great many of the above names became so famous and well known, that they were like household words—on the tongue of every one.

The human frame is created with such wonderful nicety and complexity, that imprudent actions will injure us, and the mudsills of our existence give way—then we take our flight to the spirit world; but so long as our abode is on this mundane sphere, our afflictions require at times medical skill. More that two thousand years ago we read that the Greek nation had an Esculapius to administer to the infirmities of the body. All mankind, civilized or savage, intelligent or ignorant, from the time of the Greek physician to the present time, in the small town of Belleville will be found with the medical profession among them.

Dr. Estes was the first physician that settled in this town, at the time and place above stated, and practiced his profession while he remained here. He had a strong mind, but it was not properly balanced.

Dr. Schogg appeared in Belleville about this time. He was a noxious vapor, shedding light and darkness so close to each other, that he put the whole town into an uproar. He had two shooting matches, using pistols, with two individuals, and their targets were their own bodies. The combats arose from the same cause wherein Troy was destroyed.

Dr. Jos. Green made this town his residence about this important period of the doctors, and he was the reverse of belligerent life. He was well read, and an excellent physician, only he was too slow in approaching his patients' bedside. He was a humane man, and would frequently get down off his horse and lead the animal, to rest him. He feared his own weight would oppress the horse.

Dr. Wm. G. Goforth located in this town about 1816 or 1817, and after a mixed and singular life, died in it in 1835. This son of Esculapius was a singular species of humanity, taking either into view, his mind or his body. He looked and acted like no one else; nevertheless, he was my

physician amongst all the literary and scientific doctors. He cured me, and that was all I desired. He cast away his books and depended mainly on his efforts in the practice. His perception of the patient, feeling the pulse, seeing the tongue, decided the case, and the subsequent treatment was quick as thought.

The clergymen in olden times were like angels visits, "few and far between." The Roman Catholic congregation in this town, in '36, erected a large and substantial church, located in the south-west part of the city; officiating ministry are well sustained in this diocese. A large and excellent organ is used in this church, and the congregation is large.

A small Methodist church was erected in 1830, and the new Methodist church in the year 1847. This last named edifice is large, comfortable, and well adapted for the house of God.

The Baptist Society has erected a neat, handsome, but small church, on Main, near Jackson street.

Another elegant and well-ordered church building stands on Jackson street, not far from Second South street. A venerable church was erected many years ago, and is located in the north-west suburbs of Belleville. A fine, new church is located on Second North street, and near Spring street. The last named edifice is made and finished in tasty style, and reflects credit on all concerned in this good and praiseworthy work. Mankind cannot pass, with any degree of happiness, through this vale of tears, without some philosophic religion, virtue, civilization, and all the christian blessings. We should relapse into the savage state, or barbarism, were we not sustained by the law of "Love thy neighbor as thyself."

Rev. Mr. Oglesby visited this town, and preached in it, in early times. Dr. Casad has officiated as a clergyman in Belleville in pioneer times. Gov. Kinney has also preached in this new town. About the year 1821, Dr. J. M. Peck preached at times in this new county seat. About the year 1819, Rev. Mr. Edmonds was established in Belleville as a permanent local preacher; ever since, Belleville has been a station with the Methodist church.

CHAPTER X.

PEOPLE—STORES—HOTELS—BEER.

All the benefits, blessings and advantages presented in the preceding pages, induced a hardy and enterprising race of men to locate and settle in Belleville. During many years past, and now, the city, West and North

Belleville, and all the surrounding suburbs, would, I presume, amount to ten thousand inhabitants; and, I believe there is no city in the universe where the people, for the same number, labor more, and use more energy to make a living, than they do in Belleville. In many other places in the Union, more lazy and idle people will be seen than in this city.

With this labor, energy, and consequent wealth, the public sustains about thirty-five stores, of all descriptions, including dry goods, hardware, millinery, and groceries. It is estimated that these stores do a business to the amount of four hundred thousand dollars per annum, when the ordinary business is not interrupted by the war. There are three drug stores which do an annual business, in common years, to the amount of fifteen thousand dollars. Many of the dry goods stores are beautiful and truly fascinating. Very few stores in any city can surpass those in Belleville, and the goods themselves are worthy of all commendation. But when it is known that annually four hundred thousand dollars worth is sold at these stores, it will establish the fact that the city and country liberally patronize the merchants of this city, and it is hoped both parties will be benefited by these commercial relations.

There are four well established and profitable lumber yards in Belleville, and the country and town are abundantly supplied with the finest lumber and shingles that any country can produce. The wealthy farmers who are increasing the cultivated lands, make plank fencing, and they mostly call on the lumber merchants of this city for the supply. It is estimated the amount of lumber in all the yards annually would be one hundred thousand dollars, and the sale of plank seventy-five thousand dollars.

The hotels in this city are comfortable and substantial buildings, and well calculated to accommodate the public. They are numerous, and still increasing. Boarding houses are also numerous and well constituted. In the city of Belleville about twenty business and efficient hotels are kept in a plain, comfortable manner, suited to the traveling public, and others who may give them their patronage. About fifteen are in operation on Main street, and the buildings employed are generally fine brick houses, many of them three stories high, well finished and furnished. The other public houses are erected in other parts of the city and West Belleville, and conduct about the same class of houses as their neighbors do. About half the hotels on Main street are conducted in fine three-story brick houses, and Mr. Maus has erected an elegant new hotel house four stories high. The amount of stock employed in all these hotels would be about one hundred thousand dollars, and the business annually about the same. The long established and successful house recently opened by Mr. Ellis,

and formerly occupied by Mr. Primm, stands on the corner of Spring and First South streets, and is at present in complete and successful operation.

The competition amongst the hotels, like all other business, keeps the whole community of public houses down to the proper standard as to price and accommodation. The most powerful regulator of human actions is competition.

The ale and beer of Belleville are known all over the West, and are drank on and near the Mississippi from St. Anthony's Falls to the Gulf of Mexico. I presume that no city in America, with the same population as Belleville, can equal the capacities of the breweries in this city, and also the excellent quality of beer and ale manufactured in them. The greater portion of the ale manufactured in this city is shipped ordinarily to the Southern market. The following table of the ale and beer made in this city, yearly, is true and correct:

Simon Eimer	8,000 bbls.
Neu & Ginz	6,000 "
John Klug	4,000 "
Neuhoff	3,000 "
Stolezle	3,500 "
Hebberer	2,500 "
Schuchman	2,000 "
Priester & Fillinger	1,500 "
Total	30,500 bbls.

The above table presents the truth of the manufacture of one article in this city, which would be beyond belief if the facts were not authenticated by those conversant with the subject. The above article of beer alone will go far to satisfy any intelligent, impartial mind, that the country possesses great resources in hops, barley and other ingredients in the manufacture of beer; and the city itself must be a place of energy, business habits and intelligence in the science of brewing, or the above amount of beer could not be produced.

Mr. Eimer came to the city in 1844, and was not wealthy at the time; but his sound judgment and business habits in the manufacture of ale and beer have rendered him one of the largest operators west of the Alleghany Mountains. His large field of operation was in the South; and at present his ample means of business, also his energy and talents, are suspended until the country is clear of its present embarrassment. His brewery is the largest in the Mississippi valley. It is called the "Washington Brewery," and, with Mr. Eimer's residence, covers about half a block, fronting on Richland, and bounded on the north and south by Second and

Third South streets. Steam propels all the machinery of the factory, and almost everything that moves in the building. His beer cellars are two stories down, and when any one descends into "the lower depths," it is somewhat like he had left the mundane world. Mr. Barkley was called the great beer man of London, and I think Mr. Eimer is entitled to be called the Barkley of Belleville.

CHAPTER XI.

MILLS, SHOPS AND STABLES.

The mechanics and shops are efficient in Belleville. There are in the city twenty-five blacksmiths, including locksmiths and gunsmith. The business of a blacksmith is essential to the well-being of society, and without them society and civilization could not exist. Moreover, the manufacture of iron, and the skillful work in it, is the best evidence of the advance of intelligence and reformation from the savage and barbarous state. The Indians of North America had no iron tools when Columbus discovered the country. The Aztec natives of Mexico used copper to some small extent for tools.

There are in Belleville seven regular carpenter shops, and perhaps several more. An intelligent mechanic thinks, in ordinary times, the amount of work performed in all these shops would amount, annually, to two hundred and thirty thousand dollars. It must be recollected that some of the carpentering in Belleville is for the country.

There are in Belleville about twenty-five boot and shoe shops, and the same number of tailor shops. It is astonishing to know the great amount of boots and shoes made and sold here. The tailors are also busily engaged, night and day, to accommodate their customers. The country depends much upon the city mechanics for their boots, shoes and clothes.

Belleville contains about eight saddler shops and two book binderies; also four printing presses, two American and two German; also two factories of soda water and two of candy.

There are in Belleville about thirteen wagon shops and three carriage manufactories. Wagons are manufactured in great numbers here for the surrounding country, hundreds of miles back in the interior. The amount of money derived from the sale of wagons and carriages is enormous—the latter alone bringing twenty thousand dollars annually.

Three very extensive factories for the manufacture of agricultural implements are constantly in motion. The amount of these implements

sold annually reach the sum of three hundred thousand dollars; and the implements manufactured at other places, and sold here, will raise the sum to one hundred thousand more. Two iron and brass founderies are kept constantly employed on these machines, and on such other work as the city and country demand.

Four large malt factories are doing a flourishing business, selling about fifty thousand dollars' worth of malt yearly.

There are three door and sash factories, doing a business of about sixty thousand dollars annually, and one furniture manufactory, doing a large business. One tannery tans a large amount of leather.

Three large distilleries are running day and night, converting enormous quantities of corn and rye into whisky.

The revenue of the meat market for the city amounts to a large sum, besides the quantity slaughtered here and sold in foreign markets.

A woolen factory stands in the suburbs of Belleville. It is a neat establishment, and has done a profitable business for the owner, John Winter. This woolen cloth factory should be the entering wedge to the erection of a cotton cloth factory.

A gas factory is established in the city of Belleville that has done much for the benefit and comfort of the citizens. Most of the public streets are furnished with gas light, and also many of the private houses.

A cotton yarn factory, together with cotton cloth for shirtings and ordinary uses, would be a profitable investment, and would also do the country and city much service.

Belleville is eminently calculated to become a great manufacturing city; and, in a few years, when the country is again in its old channel of prosperity, the interests of intelligent and talented men will see that this city is the best point in the Western valley for a cotton cloth and yarn factory. The health is good; provisions cheap and good; a free State, and the morals of the people not bad; churches and religion available when called for; and why not more profitable to establish a cotton cloth factory in Belleville than in Lowell, or in any of the New England States. The cost of transportation of the raw cotton to the Eastern States, and back again manufactured, would amount to a large sum; and all would be saved by manufacturing the cotton goods where they will at last be sold. There is no power of mechanism or machinery in the East that we in Belleville do not possess. The factory hands—men, women, and children, if necessary—can be transported to this city, both cheap and speedy, so that the cost of conveyance would be trifling. If the Yankee people have the *acumen* to make money that they are represented to possess, they will

be out here, armed and equipped, not for war, but to make the number of cotton cloth factories that the country may require, when peace is again restored.

We have three complete livery stables, and two of them, Messrs. Stookey's and Bouquet's, have had a long and successful existence. The other stable, Mr. Davidson's, has only recently been established.

I will take this occasion to say to the public, that horse dealing and horse commerce are conducted at these stables to some extent, and the people having horses to sell may find a market at them. The stables of Messrs. Stookey and Davidson are located on High and First South street, and that of Mr. Bouquet is on Illinois street, between First and Second North. The amount of money invested in these stables, including horses, carriages, &c., would be about sixty thousand dollars, and the business done would be about the same per year.

In ordinary years a great quantity of brick was made in this city, and put up into buildings. The bricklayers and stone masons form a numerous and respectable community.

There are in this town four steam flouring mills, and the amount passing through their hands annually is six hundred thousand dollars. Mr. Hinckly will manufacture yearly about seventy thousand barrels; Mr. Whitmore, one hundred thousand, and Mr. Reis four hundred and fifty thousand. Wheat is the staple article with the farmers of Illinois, and it requires a number of mills to grind it.

The Harrison mills stand on the west end of Main street, and have made the first proprietors a fortune. This mill is the legal heir of the ox mill of Wilkison and Ringgold, erected in 1819, and was a treadmill on an inclined wheel. This mill gave a start to the town of Belleville, and it has continued to do good to the proprietors and the public from that day to the present. It is hoped it may remain long in the land, shedding bread all around it.

Richard Rapier came to Belleville, with three hundred barrels of whiskey in 1821, and died here in 1850. Among other things, this eccentric man built a steam flouring mill, over the spring of George Blair, and sold it.

Mr. R. Hinckley has erected one of the finest mills in Illinois, adjoining the Rapier Mill. The new mill has in it five run of burrs, and can manufacture, in a year, seventy thousand barrels of flour.

Maguire & Co. erected an excellent mill on the eastern limits of the city that acts well its part.

On the east end of Main street Mr. Meister has built a small steam flouring mill, and the gearing is leather bands.

CHAPTER XII.

BANKS, NEW COURT HOUSE, MINES, RAILROADS, SCHOOLS, ROADS AND VINEYARDS.

There are two banks in Belleville, and they are considered safe, solvent institutions. Mr. Hinckley's is of long standing, and has weathered all financial storms, as yet. The other bank is younger, but seems to be strong and vigorous.

The new Court House in Belleville is perhaps equal to any other in the State, except that at Chicago, and it may not be inferior to that of the "Lake City." This new edifice is beautifully situated on a lot, fronting south of the public square, and is built two lofty stories high, besides the basement. It is roofed with iron and copper, and the floors spread with slabs of cut rocks, from Europe, so that the whole is considered positively fire-proof. The joists and stairs of the building are made of iron. The size and proportions of this grand temple of Justice accords with the age and the advance of civilization. It is constructed grand and magnificent, in due respect to the march towards human perfection, and is well adapted to represent the best county in the State. It is erected for use and ornament, substantial and beautiful, and has succeeded in both designs. The basement story is solid, composed of strong rock walls, more like a prison than a place of voluntary confinement. It is filled like a bee-hive with lawyers. The next story of brick is filled with the offices of the county; and the third story contains the court and jury rooms. The former is well adapted to the use and comfort of those who administer the law within its walls. The cost of this edifice is nothing, when it is in the care and keeping of the wealthy county of St. Clair. It cost one hundred thousand dollars; but this is lost sight of when we view this splendid edifice, and the wealth of the people of this county.

The new system of Free Schools seems to succeed tolerably well in this city, and great numbers of children are educated in them. A tax is imposed on the people, sufficient to maintain schools all the year round; and all children, over the age of six years, are entitled to attend them. As far as I can ascertain, there are about twelve hundred children educated at the public expense. I think a poll tax should be imposed on all, and then tax the people to make up the balance.

A female academy has been recently established here that is calculated to do much service to the country. The building is large and commodious, fronting on Third South and Race streets. This college and appurtenances cover almost a whole block, and the building does honor to the projectors

and patrons of the Institution. It is built of brick, three stories high, and finished in the most approved style of architecture. It is large, and well filled with young ladies. This Institution is managed by the Roman Catholic Society, and conducted by Rules and Regulations well calculated to improve the hearts and heads of the students.

The coal trade of Belleville to St. Louis, and the consumption of coal in this city, is almost beyond belief, if the statistics were not carefully taken from the books of the companies. There are twenty-three coal mines opened and worked, adjacent to Belleville, and between this city and the Mississippi bluff, on the railroad. The average amount of coal conveyed daily on this road to East St. Louis is sixteen thousand five hundred bushels. The above figures need no comment; and the public will be amazed at the amount of coal transported from here to the river.

I remarked, on a former page, that the two complete and excellent roads, the Macadamized and Railroad, place Belleville on the banks of the Mississippi as to commercial purposes; and I again call the attention of the public to it.

I have received a report from one of the officers managing the Belleville Railroad, and the report states that an average of three hundred passengers per day are conveyed over the above road. The Macadamized road does its full share in this glorious work of advancing the best interests of this country. When peace is again restored, this railroad from the river, will be extended East, to connect with roads pointing to the Atlantic.

The great amount of business done on the railroad from Belleville to St. Louis, and to the cities of Boston and New York, is astonishing, and shows the great resources of the country.

In the year 1859 were shipped 182,184 barrels of flour. The next year the wheat crop was not so good, and only 104,247 barrels of flour were shipped, and in 1861, 125,831, amounting in three years to 461,831 barrels of flour.

Counting the barrels of flour at $5 per barrel, the amount would be $2,309,153.

It must be recollected that a considerable amount of flour is also conveyed in wagons on the turnpike road each year from Belleville, which would add considerably to the above.

Sixty-five cars freighted with coal to the river pass daily over the railroad from Belleville and return.

Much of the flour shipped from Belleville is sent direct to New York and Boston, and is not reshipped on the passage.

The gentlemanly and polite agent of the railroad, Mr. Miller, furnished the above information, which no doubt is correct.

Adjacent to the city of Belleville are vineyards to the amount of about sixty acres, including the small pieces, cultivated by separate individuals. An average, for five years, each acre will produce about four hundred and fifty gallons per acre. I repeat the remark, that pure, limpid water, is the drink made for man; but when the people must, against the law of nature, indulge in artificial drink, beer or wine is better than brandy or whisky. The use of beer or wine may have a tendency to arrest the habit of strong drinking, and thereby much good may be done to the human family in the choice of evils.

When the city shall contain a population of twenty or thirty thousand, and all the mechanical arts are in operation a densely populated country may require, it is supposed by many that an Artesian well will be necessary to supply the water for the steam. The coal can be procured in any place, but water for steam purposes is more difficult to obtain. The Harrison Mills obtain water for steam from a pond, which affords a plentiful supply.

An Artesian well may succeed in this city, and, if it does not, water in abundance may be obtained by artificial ponds.

The coal, the health, the good soil, and the wealthy agricultural country in all directions around the city, must, in a few years, make Belleville a great manufacturing place; and, in that event, water for steam can be procured either by an Artesian well, or by constructing artificial ponds.

The improvement of a city is as necessary as the improvement of a country. Without Macadamized streets travel with heavy loads in carts, wagons, &c., would be prevented by the mud.

I call the attention of the old residents of this city to the mud in Main street before it was improved. I recollect well when Main street in St. Louis was impassable with heavy loads by reason of the mud. The corporation has improved and paved the sidewalks, and caused it to be done by the property-holders adjoining the pavements. The sidewalks are ten feet wide, and the length of the pavement now done is eighteen and two-third miles long. The macadamized streets are eight and two-third miles in this city.

The governments of the city were not alike in the care and caution of expending the city funds. The present administration is wise and economical in the imposing of the taxes and the work performed in the city.

In conclusion of this hastily-written pamphlet, I can say that the citizens of this city are as moral, industrious and economical as the common masses of mankind. It is all nonsense to say mankind in any country, or in any condition, are perfect, and that no errors will be

committed; but I do say that the people of Belleville are a moral, orderly and law-abiding community, and that property and persons are protected and sustained both by public opinion and the proper execution of the laws. At no time in Belleville have the laws been opposed by a mob. I believe a regular constituted mob never raised its hideous head in this city. There is no noise nor brute force exerted in the streets at night or day to interrupt any one more than must be expected wherever mankind exists.

The police regulations of the city are good, and well executed, when there is occasion for it. This efficient arm of morality and religion, together with the solemn sounds from the pulpit, warning sinners from crimes, makes Belleville what it ought to be, a sober, moral community.

At times, before the war, an excess of martial music might be heard in the streets on the Sabbath; but at present the day is as still as any Scotch town in the old country.

Now, I pretend not that this short history will induce any immigrant to come and settle in this city, except he thinks he can better his condition. I believe many working mechanics, and others, who have moderate means, or none, can come here and become wealthy, respectable citizens, if they pursue an honest course of industry. Property is cheaper here than in St. Louis; and it will probably rise as much here as there, in proportion to the first cost. I think any good, working mechanic, or other person, will do well to visit this city, and, I think, will do better, if he becomes a citizen in it.

CHARTER AND ORDINANCES.

The present revision of the "Ordinances of the City of Belleville," is the second published by order of the City Council. It differs from the first, published in 1855, only in so far as the new charter, granted to the city in 1859, and the increasing population, business and wants of the city made new ordinances and regulations necessary for the public good. In accordance with the principle, that "few laws faithfully observed, are more conducive to the public good, than many laws indifferently obeyed," it will be found that the ordinances are, comparatively speaking, few in number, plain and easily understood and observed.

The new city charter, passed in 1859, has taken the place of the charter of the "City of Springfield," which latter the city of Belleville first adopted in 1850. But as our present incorporation was first organized under the charter of the city of Springfield, and as, by the general State law, all incorporated towns and cities have all the powers, granted in the said charter of the city of Springfield, it was thought expedient to reprint it in the present volume. The matters contained in the general and special laws, relating to the city of Belleville, and to incorporated towns and cities generally, presented here in a convenient form, will, it is hoped, prove convenient for reference, not only to the officers of the city, but to the citizens generally; and the history of the city of Belleville, written by our old and distinguished fellow citizen, John Reynolds, which forms the introduction to this volume, will be read with profit and pleasure by all who take an interest in our growing and flourishing city.

THE REVISOR.

CHARTER OF THE CITY OF BELLEVILLE.

AN ACT GRANTING A NEW CHARTER TO THE CITY OF BELLEVILLE, AND TO REDUCE THE SEVERAL ACTS INCORPORATING SAID CITY INTO ONE ACT.—In force Feb. 18, 1859.

ARTICLE I.

Boundaries.

Section 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly*, That the city of Belleville shall comprehend all that district of territory embraced within the following limits, to-wit: A territory one mile square, the centre of which shall be the point where the centre of Main street intersects the centre of Illinois street. And the city council shall have the power to enlarge the boundaries of the city, by ordinance, to any extent, not exceeding one-half of a mile south, east and north, and west to any extent, not exceeding one mile: *Provided*, however, that the incorporated town of West Belleville shall not be annexed to the city of Belleville, without the consent of a majority of the voters, to be ascertained by an election to be held for that purpose, or by and with the consent of a majority of the board of directors of the town of West Belleville.

Name.

§ 2. The inhabitants of said city shall be a corporation, by the name of "The City of Belleville;" and by that name shall have perpetual succession, sue and be sued, and complain and defend in any court; may make and use a common seal, and alter and change the same at pleasure; may take, hold and purchase such real, personal or mixed estate as the purposes of the corporation may require, within or without the limits of the city, and may sell, lease or dispose of the same for the benefit of the city.

Wards.

§ 3. The city of Belleville shall be divided into four wards, the boundaries of which shall be fixed by the city council, and shall be by the city council changed, from time to time, as they shall see fit, having regard to the number of free white male inhabitants, so that each ward shall contain, as near as may be, the same number of white male inhabitants. The city council may create additional wards, as occasion may require, and fix the boundaries thereof.

ARTICLE II.

Officers.

§ 1. The municipal government of the city shall consist of a city council, to be composed of the mayor and two aldermen from each ward. The other officers of the corporation shall be as follows: A city register, a city marshal, a city treasurer, a city attorney, a city assessor, a city collector, a city surveyor and engineer, a city weigher and market master, and a city street inspector, who, in addition to the duties prescribed in this act, shall perform such other duties as may be prescribed by ordinance. There shall also be such other officers, servants and agents of the corporation as may be provided by ordinance. All officers to be appointed by the city council, unless otherwise provided by ordinance, and to perform such duties as may be prescribed by ordinance: *Provided*, that the city council may consolidate two or more offices in one person, as they may deem best for the city.

Term of Office.

§ 2. All officers elected or appointed under this act, except aldermen, shall hold their offices for one year and until the election or appointment and qualification of their successors, respectively. All officers appointed by the city council shall be appointed on the first Monday in May, in each year, or as soon thereafter as may be. All officers elected or appointed to fill vacancies, shall hold for the unexpired term only and until the election or appointment and qualification of their successors.

Aldermen—Classes.

§ 3. The several wards of the city shall be represented in the city council by two aldermen from each ward, who shall be *bona fide* freeholders and residents thereof, and hold their offices for two years, from and after their election, and until the election and qualification of their successors. They shall be divided into two classes, consisting of one alderman from each ward, so that one from each ward shall be elected annually. The aldermen whose term of office do not expire on the third Monday of April next shall be placed in the first class, and no election shall be held to supply their places.

Special Election—Removal—Proviso.

§ 4. If, from any cause, there shall not be a quorum of aldermen, the register shall appoint the time and place of holding a special election to fill such vacancies, and to appoint judges, if necessary. If any alderman shall remove from the ward represented by him his office shall thereby

become vacant. Any alderman or officer elected or appointed to any office, may be removed from such office, by a vote of two-thirds of all the aldermen authorized to be elected; but no alderman or officer shall be removed, except for good cause, nor unless first furnished with the charges against him and heard in his defense. The city council shall have power to compel the attendance of witnesses and the production of papers, when necessary, for the purpose of such trial, and shall proceed, within ten days, to hear and determine the merits of the case; and if such officer shall neglect to appear and answer to such charges then the city council may declare the office vacant: *Provided*, the mayor may suspend such officer or alderman until the disposition of the charges.

Vacancy.

§ 5. Whenever any vacancy shall occur in the office of mayor or alderman, such vacancy shall be filled by a new election; and the city council shall order a special election, within ten days after the happening of such vacancy. Any vacancy occurring in any other office may be filled by appointment of the city council; but no special election shall be held to fill vacancies if more than nine months of the year has expired.

Eligibility.

§ 6. All citizens of the United States qualified to vote at any election held under this act shall be qualified to hold any office created by this act; but no person shall be eligible to any office, under this or any other act in relation to said city, who is now or may hereafter be a defaulter to said city, or to the State of Illinois, or to any other city or county thereof; and any person shall be considered a defaulter who has refused or neglected, or may hereafter refuse or neglect, for thirty days after demand made, to account for and pay over to the party authorized to receive the same, any public money which may have come into his possession; and if any person holding any such office, or place within this city, shall become a defaulter, whilst in office, the office or place shall thereupon become vacant.

Tie.

§ 7. When two or more candidates for any elective office shall have an equal number of votes for such office the election shall be determined by the casting of lots in the presence of the city council.

ARTICLE III.

Election.

§ 1. A general election of all the officers of the corporation required to be elected by this act, or any ordinance of the city, shall be held in each

of the wards of the city, on the third Monday of April, in each year, at such places as the city council may appoint, and of which ten days' previous public notice shall be given, by written or printed notices, in three public places in each ward, or by publication in the newspapers publishing the ordinances of the city, by the city register.

Manner of Conducting Elections.

§ 2. The manner of conducting and voting at the elections held under this act, and contesting the same, the keeping the poll lists, canvassing of the votes and certifying the returns, shall be the same, as nearly as may be, as is now, or may hereafter, be provided by law at general State elections: *Provided*, the city council shall have power to regulate elections and the appointment of the judges thereof. The voting shall be by ballot, and the judges of the election shall take the same oath and shall have the same power and authority as the judges of general elections. After the closing of the polls the ballots shall be counted, in the manner provided by law, and the returns shall be returned, sealed, to the city register, within three days after the election; and, thereupon, the city council shall meet and canvass the same and declare the result of the election. The persons having the highest number of votes for any office shall be declared elected. It shall be the duty of the city register to notify all persons elected or appointed to office of their election or appointment, and unless such persons shall qualify within twenty days thereafter the office shall become vacant.

Qualification of voters—Oath.

§ 3. No person shall be entitled to vote at any election under this act who has not been a resident of said city at least twelve months next preceding said election; he shall have been, moreover, an actual resident of the ward in which he proposes to vote for ten days previous to such election, and, if required by any judge or qualified voter, shall take the following oath before he is permitted to vote: "I swear (or affirm) that I am of the age of twenty-one years, and have been a resident of this State one year and a resident of this city one month immediately preceding this election:" *Provided*, that the voter shall be deemed a resident of the ward in which he is accustomed to lodge.

§ 4. No election shall be held in any grocery or beer house or other place where intoxicating liquors are vended by retail.

Arrests on election day.

§ 5. The persons entitled to vote at any election held under this act shall not be arrested on civil process, within said city, upon the day on

which said election is held; and all persons illegally voting at any election, held under this act or the ordinances of the city in pursuance thereof, shall be punishable according to the laws of the State.

ARTICLE IV.

Take oath.

§ 1. Every person chosen or appointed to an executive, judicial or administrative office under this act shall, before he enters upon the discharge of the duties of his office, take and subscribe the oath of office prescribed in the constitution of this State, and file the same, duly certified by the officer before whom it was taken, with the city register.

Oath of Mayor.

§ 2. The mayor shall, before he enters upon the duties of his office, in addition to the usual oath, swear or affirm "that he will devote so much of his time to the duties of his office as an efficient and faithful discharge thereof may require." He shall preside over the meetings of the city council, and shall take care that the laws of this State and the ordinances of this city are duly enforced, respected and observed within this city, and that all other officers of the city discharge their respective duties; and he shall cause negligence and positive violation of duty to be prosecuted and punished; he shall, from time to time, give the city council such information and recommend such measures as he may deem advantageous to the city.

Riot.

§ 3. He is hereby authorized to call on any and all white male inhabitants of the city or county, over the age of eighteen years, to aid in enforcing the laws of the State, or the ordinances of the city, and in case of riot, to call out the militia, to aid in suppressing the same or carrying into effect any law or ordinance; and any person who shall not obey such call shall forfeit to said city a fine of not less than five dollars.

Exhibit of the books.

§ 4. He shall have power, whenever he may deem it necessary, to require of any of the officers of the city an exhibit of all of his books and papers; and he shall have power to execute all acts that may be required of him by this act or any ordinance made in pursuance thereof.

Indictment.

§ 5. He shall be liable to indictment in the circuit court of St. Clair county for palpable omission of duty, wilful oppression, malconduct or partiality in the discharge of the duties of his office, and, upon conviction,

shall be subject to a fine not exceeding one hundred dollars; and the court shall have power, upon recommendation of the jury, to add, as part of the judgment, that he be removed from office.

Ordinances and resolutions.

§ 6. All ordinances and resolutions shall, before they take effect, be placed in the office of the city register, and, if the mayor approve thereof, he shall sign the same; and such as he shall not approve, he shall return to the city council, with his objections thereto, at the same meeting of the said council which passed said ordinances or resolutions. Upon the return of any ordinance or resolution by the mayor, with his objections, the vote by which the same was passed shall be reconsidered, and, if after such reconsideration, a majority of all the members elected to the city council shall agree by the "ayes and noes," which shall be entered upon the journals, to pass the same, it shall go into effect; and if the mayor shall neglect to approve or object to any such proceedings, after the same shall be in the possession of the register aforesaid, the same shall go into effect.

Vacancy.

§ 7. In case of vacancy in the office of mayor, or his being unable to perform the duties of his office, by reason of temporary or continued absence or sickness, the city council shall appoint one of its members, by ballot, to preside over their meetings, whose official designation shall be "Acting Mayor;" and the alderman so appointed shall be vested with all the powers and perform all the duties of mayor until the mayor shall resume his office or the vacancy be filled by a new election.

Fire Wardens.

§ 8. The members of the city council shall be, *ex officio*, fire wardens and conservators of the peace within the city, and shall be exempt from jury duty and street labor, or the payment of street taxes during their term of office.

Register.

§ 9. The register shall keep the corporate seal and all papers and books belonging to the city. He shall attend all meetings of the city council, and keep a full record of their proceedings on the journals; and copies of all papers duly filed in his office and transcripts from the journals of the proceedings of the city council, certified by him, under the corporate seal, shall be evidence in all courts, in like manner as if the originals were produced. He shall, likewise, draw all warrants on the treasury and countersign the same and keep accurate account thereof in a book provided for that purpose. He shall, also, keep an accurate account of all receipts and

expenditures, in such manner as the city council may direct; and he shall have power to administer any oath required to be taken by this act.

City Attorney.

§ 10. It shall be the duty of the city attorney to perform all professional services incident to his office, and, when required, to furnish written opinions upon questions and subjects submitted to him by the mayor or the city council or its committees.

Treasurer.

§ 11. The city treasurer shall receive all moneys belonging to the city, and shall keep an accurate account of all receipts and expenditures in such manner as the city council shall direct. All moneys shall be drawn from the treasury in pursuance of an order of the city council, by a treasury warrant, signed by the mayor or the presiding officer of the city council, and countersigned by the register. Such warrant shall specify for what purpose the amount therein named is to be paid. The treasurer shall exhibit to the city council, at least twenty days before the annual election of each year, and oftener, if required, a full and detailed account of all receipts and expenditures since the date of the last annual report, and also the state of the treasury; which account shall be filed in the office of the register.

Marshal.

§ 12. The city marshal shall perform such duties as shall be prescribed by the city council, for the preservation of the public peace, the collection of license moneys, fines or otherwise. He shall possess the powers and authority of a constable, at common law and under the statutes of this State, and receive like fees, but shall not serve civil process without first entering into bond, as such constable, to be approved by the county court, as in other cases. He shall execute and return all process issued by any proper officer, under this act or any ordinance in pursuance thereof.

Surveyor.

§ 13. The city engineer or surveyor shall have the sole power, under the direction and control of the city council, to survey, within the city limits; and he shall be governed by such rules and ordinances and receive such fees and emoluments for his services as the city council shall direct and prescribe. He shall possess the same power, in making plats and surveys within the city, as is given by law to county surveyors, and the like effect and validity shall be given to his acts and to all plats and surveys made by him as are or may be given by law to the acts, plats and surveys of the county surveyor. He shall, when required, superintend the

construction of all public works ordered by the city, make out the plans and estimates thereof, and contract for the execution of the same. He shall perform all surveying and engineering ordered by the city council, and shall, under their direction, establish the grades and boundaries of streets and alleys; but such plans, estimates and contracts, grades and boundaries shall be first reported to the city council and approved by them, or they shall not be valid.

Assessor.

§ 14 The assessor shall perform all duties in relation to the assessing of property, for the purpose of levying the taxes imposed by the city council. In the performance of his duties he shall have the same powers as are or may be given by law to county or town assessors, and be subject to the same liabilities. On completing the assessment lists, and having revised and corrected the same, he shall sign and return them to the city council.

Collector.

§ 15. The collector shall collect all taxes and assessments which may be levied by the city council, and perform such other duties as may be herein prescribed or ordained by the city council.

Weigher.

§ 16. The weigher shall attend at the public scales for which he is appointed and weigh every load of hay, stone coal or other thing which may be presented to be weighed, and to give the person presenting the same a certificate of net weight thereof, and to perform such other duties in the measurement of wood and other things as may be required of him by ordinance or resolution.

Market Master.

§ 17. The market master shall have the direction and management of the market house and market place, and shall do and perform such acts and duties as may be required of him by ordinance or resolution.

Street Inspector.

§ 18. The street inspector shall superintend all local improvement in the city, and carry into effect all orders of the city council in relation thereto. It shall also be his duty to superintend and supervise the opening of streets and alleys, and the grading, improving and repairing thereof, and the construction and repairing of bridges, culverts and sewers; to order the laying, relaying and repairing of sidewalks; to give notice to the owners of property adjoining such sidewalks, when required, and upon the failure of any person to comply with such notice, to cause the same

to be laid, relaid or repaired, and apportion the cost thereof among the persons or lots properly chargeable therewith, and deliver the amount thereof to the city register, to be laid before the city council; to make plans and estimates of any work ordered in relation to streets and alleys, bridges, culverts or sewers; to keep full and accurate accounts, in appropriate books, of all appropriations made for work pertaining to his office, and of all disbursements thereof, specifying to whom made and on what account; and he shall render monthly accounts thereof to the city council.

City Council.

§ 19. The city council shall have power, from time to time, to require further and other duties of all officers, whose duties are herein prescribed, and prescribe the powers and duties of all officers elected or appointed to any office under this act, whose duties are not herein specified, and fix their compensation. They may also require all officers, severally, before they enter upon the duties of their respective offices, to execute a bond to the city of Belleville, in such sum and with such securities as they may approve, conditioned that they shall faithfully execute the duties of their respective offices, and account for and pay over and deliver all moneys and other property received by them; which bond, with the approval of the city council certified thereon by the register, shall be filed in his office, except the bond of the register, which shall be in the keeping of the mayor.

Delivery of Books, etc., to Successors.

§ 20. If any person having been an officer of said city, shall not within ten days after notification and request, deliver to his successor in office all the property, books, papers and effects, of every description, in his possession, belonging to the city, or appertaining to his said office, he shall forfeit and pay, for the use of the city, fifty dollars, besides all damages caused by his refusal or neglect so to deliver; and such successor may recover possession of the books, papers and effects belonging to his office in the manner prescribed by the laws of this state.

Commissions.

§ 21. The officers elected or appointed under this act shall be commissioned by warrants, under the corporate seal, signed by the mayor or presiding officer of the city council and register.

ARTICLE V.

City Council—Quorum.

§ 1. The mayor and aldermen shall constitute the city council of the city. The city council shall meet at such time and place as they shall, by

resolution, direct. The mayor, when present, shall preside at all meetings of the city council, and shall have only a casting vote; in his absence any one of the aldermen may be appointed to preside. A majority of the persons elected aldermen shall constitute a quorum.

Compensation.

§ 2. No member of the city council shall, during the period for which he is elected, receive more than fifty dollars for his services as alderman, or be appointed to, or be competent to hold any office of which the emoluments are paid from the city treasury, or paid by fees directed to be paid by any act or ordinance of the city council, or be allowed to vote in any matter in which he is directly interested, personally or pecuniarily.

Meetings.

§ 3. The city council shall hold twelve stated meetings, one in each month during the year; and the mayor and aldermen, or any two aldermen, may call special meetings by notice to each of the members of the council, served personally or left at their usual places of abode. Petitions and remonstrances may be presented to the city council; and they shall determine the rules of their own proceedings, and be the judges of the election and qualification of their own members, and shall have power to compel the attendance of absent members.

Finances, etc.

§ 4. The city council shall have control of the finances and of all property, real, personal and mixed, belonging to the corporation, and shall likewise have power, within the jurisdiction of the city, by ordinance.

First.—To borrow money on the credit of the city, and issue the bonds of the city therefor; but no sum of money shall be borrowed at a higher rate of interest than the rate allowed by law, nor shall a greater sum or sums be borrowed, or at any time outstanding, the interest upon the aggregate of which shall exceed the one-half of the city revenue arising from the ordinary taxes within the city for the year immediately preceding; and no bonds shall be issued or negotiated at less than par value. The appropriations of the city council for payment of interest, for improvements and for city expenses, during any one fiscal year shall not exceed the amount of the whole ordinary revenue of the city for the fiscal year immediately preceding; but the city council may apply any surplus money in the treasury to the extinguishment of the city debt, or to the creation of a sinking fund for that purpose, or to the contingent fund, for the contingent expenses of the city.

Second.—To appropriate money and to provide for the payment of the debts and expenses of the city.

Third.—To make regulations to prevent the introduction of contagious diseases into the city; to make quarantine laws for that purpose, and to enforce them within the city, and within five miles thereof.

Fourth.—To make regulations to secure the general health and comfort of the inhabitants; to prevent and abate and remove nuisances and punish the authors thereof by penalties, fines and imprisonments; to define and declare what shall be deemed nuisances, and authorize and direct summary abatement thereof.

Fifth.—To provide the city with water; to make, regulate and establish public wells, pumps, and cisterns, hydrants and reservoirs, in the streets within the city, or beyond the limits thereof, for the extinguishment of fires and the convenience of the inhabitants, and to prevent the unnecessary waste of water.

Sixth.—To have the exclusive control and power over the streets, alleys and highways of the city, and to abate and remove any encroachments or obstructions thereon; to open, alter, abolish, widen, extend, straighten, establish, regulate, grade, clean or otherwise improve the same; to put drains and sewers therein, and prevent the incumbering thereof in any manner, and protect the same from any encroachment or injury.

Seventh.—To establish, erect, construct, regulate and keep in repair bridges, culverts and sewers, sidewalks and crossways, and regulate the construction and use of the same, and to abate any obstructions or encroachments thereof; to establish, alter, change and straighten the channels of water courses and natural drains; to sewer the same, or wall them up and cover them over, and to prevent, regulate and control the filling up, altering or changing the channels thereof by private persons.

Eighth.—To provide for lighting the streets and erecting lamp posts and lamps therein, and regulate the lighting thereof; and from time to time create, alter or extend lamp districts; to exclusively regulate, direct and control the laying and repairing the gas pipes and gas fixtures in the streets, alleys and sidewalks.

Ninth.—To establish and erect markets and market houses and other public buildings of the city, and provide for the government and regulation thereof and their erection and location, and to authorize their erection in the streets and avenues of the city, and the continuation of such as are already erected within the same.

Tenth.—To provide for the inclosing, regulating and improving all public grounds and cemeteries belonging to the city, and to direct and

regulate the planting and preserving of ornamental and shade trees, in the streets and public grounds.

Eleventh.—To erect and establish one or more hospitals or dispensaries, and control and regulate the same.

Twelfth.—To prevent the incumbering of streets, alleys, sidewalks or public grounds with carriages, wagons, carts, wheelbarrows, boxes, lumber, timber, firewood, posts, awnings, signs, or any other substance or material whatever; to compel all persons to keep snow, ice, dirt and other rubbish from the sidewalks and street gutters in front of the premises occupied by them.

Thirteenth.—To license, tax and regulate merchants, commission merchants, inn keepers, insurance brokers and auctioneers, and to impose duties upon the sales of goods at auction; to license, tax, regulate, suppress and prohibit hawkers, peddlers, pawnbrokers, grocery keepers and keepers of ordinaries, theatrical or other exhibitions, shows and amusements.

Fourteenth.—To license, tax, regulate and suppress hackmen, draymen, omnibus drivers, porters and all others pursuing like occupation, with or without vehicles, and prescribe their compensation; and to restrain and regulate runners for stages, cars and public houses.

Fifteenth.—To license, tax and regulate billiard tables, ten pin alleys and ball alleys; to suppress and restrain disorderly houses, tippling shops, bawdy houses, gaming and gambling houses, lotteries and all fraudulent devices and practices, and all playing of cards, dice and other games of chance, with or without betting, and to authorize the destruction of all instruments and devices used for the purposes of gaming.

Sixteenth.—To authorize the proper officer of the city to grant and issue licenses, and to direct the manner of issuing and registering thereof, and the fees and charges to be paid therefor. No license shall be granted for more than one year, and not less than three dollars nor more than five hundred dollars shall be charged for any license under this act; and the fees for issuing the same shall not exceed one dollar; but no license, for the sale of wines or other liquors, ardent or vinous, fermented or malt, at wholesale or retail, by grocery keepers, inn keepers or others, shall be issued for less than fifty dollars.

Seventeenth.—To restrain, regulate and prohibit the selling or giving away of any intoxicating or malt liquors, by any person within the city, or within half a mile of the boundary of the city, excepting those which are in the town of West Belleville, except by persons duly licensed by the city. To forbid and punish the selling or giving away of any intoxicating or

malt liquors to any minor, apprentice or servant, [without the consent] of the parent, guardian, master or mistress.

Eighteenth.—To prevent, restrain and punish forestalling and regrating; to regulate the inspection and vending of fresh meats, poultry and vegetables; of butter, lard and other provisions; and the place and manner of selling fish, and inspecting the same.

Nineteenth.—To establish standard weights and measures, and regulate the weights and measures to be used within the city, in all cases not otherwise provided by law. To require all traders or dealers in merchandise or property of any description, which is sold by measure or weight, to cause their measures and weights to be tested and sealed by the city weigher or other person appointed by the city council, and to be subject to his inspection. The standard of such weights and measures shall be conformable to those established by law or ordinance.

Twentieth.—To regulate, license and prohibit butchers; and to revoke their license for malconduct in the course of trade.

Twenty-first.—To regulate and provide for the inspecting and measuring of lumber, shingles, timber, posts, staves, heading and all kinds of building materials; and for the measuring of all kinds of mechanical work; and to appoint one or more inspectors or measurers.

Twenty-second.—To provide for the inspection and weighing of hay, lime and stone coal, and the place and manner of selling the same. To regulate the measurement of firewood, charcoal and other fuel, to be sold or used within the city, and the place and manner of selling the same.

Twenty-third.—To regulate the inspection of beef, pork, flour, meal, salt and other provisions, malt whisky and other liquors, to be sold in barrels, hogsheads and other vessels or packages; To appoint weighers, guagers and inspectors, and prescribe their duties and regulate their fees; *Provided*, that nothing herein shall be so construed as to require the inspection of any articles enumerated herein which are to be shipped beyond the limits of the state, except at the request of the owner thereof, or his agent.

Twenty-fourth.—To regulate the weight and quality of bread to be sold or used within the city.

Twenty-fifth.—To direct, license and control all wagons and trains conveying heavy loads within the city, and prescribe the width of the rim and tire of the same.

Twenty-sixth.—To regulate the size and quality of bricks to be sold or used within the city, and the inspection thereof.

Twenty-seventh.—To create, establish and regulate the police of the

city; to appoint watchmen and policemen, and prescribe their duties and powers.

Twenty-eighth.—To prevent and suppress any riot, rout, affray, noise, disturbance or disorderly assembly, in any public or private house within the city.

Twenty-ninth.—To prohibit, prevent and suppress horse racing, immoderate riding or driving in the streets, and to authorize persons immoderately riding or driving, as aforesaid, to be stopped by any person; to prohibit and punish the abuse of animals; to compel persons to fasten their horses, or other animals, attached to vehicles or otherwise, while standing or remaining in the streets.

Thirtieth.—To restrain and punish vagrants, mendicants and street beggars and prostitutes.

Thirty-first.—To regulate, restrain or prohibit the running at large of horses, mules, jackasses or jennies, cattle, swine, sheep, goats and geese, and to authorize the distraining, impounding and sale of the same for costs of the proceedings, and the penalties incurred; and to impose penalties on the owners thereof for a violation of any ordinance in relation thereto; to regulate, restrain and prohibit the running at large of dogs, and to authorize their destruction when at large contrary to ordinance, and to impose penalties on the owners or keepers thereof.

Thirty-second.—To prohibit and restrain the rolling of hoops, flying of kites, or any other amusements or practices tending to annoy persons passing on the streets, or to frighten horses or teams; to restrain and prohibit the ringing of bells, blowing of horns or bugles, crying of goods, and all other noises, performances and practices, tending to the collecting of persons on the streets or sidewalks, by auctioneers and others, for the purpose of business, amusement or otherwise.

Thirty-third.—To abate all nuisances which may injure or affect the public health or comfort, in any manner they may deem expedient.

Thirty-fourth.—To do all acts and make all regulations which may be necessary or expedient for the promotion of health and the suppression of disease.

Thirty-fifth.—To compel the owner or occupant of any grocery, cellar, soap or tallow chandler, or blacksmith shop, tannery, stable, privy, sewer or other unwholesome or nauseous house or place, to cleanse, remove or abate the same, as may be necessary for the health, comfort and convenience of the inhabitants.

Thirty-sixth.—To direct the location and regulate the management and construction of breweries, tanneries, blacksmith shops, foundries, livery

stables and packing houses; to direct the location and regulate the management and construction of, and restrain, abate and prohibit within the city, and to the distance of one mile from the limits thereof, distilleries, slaughtering establishments, establishments for steaming or rendering lard, tallow, offal and such other substances as may be rendered, and all other establishments or places where any nauseous, offensive or unwholesome business may be carried on.

Thirty-seventh.—To regulate the burial of the dead; to establish and regulate one or more cemeteries; to regulate the registration of births and deaths; to direct the returning and keeping of bills of mortality, and to impose penalties on physicians and sextons and others for any default in the premises.

Thirty-eighth.—To provide for the taking an enumeration of the inhabitants of the city.

Thirty-ninth.—To erect and establish a work house or house of correction; make all necessary regulations therefor, and appoint all necessary keepers or assistants. In such work house or house of correction may be confined all vagrants, stragglers, idle and disorderly persons, who may be committed thereto, by any proper officer, and persons sentenced by any criminal court or magistrate in and for the city, or for the county of St. Clair, for any assault and battery, petit larceny or other misdemeanor, punishable by imprisonment in any county jail; and any person who shall fail or neglect to pay any fine or penalty or costs imposed by any ordinance of the city for any misdemeanor or breach of any ordinance of the city, may, instead of being committed to the county jail of St. Clair county, be kept therein, subject to labor and confinement.

Fortieth.—To authorize and direct the taking up and providing for the safe keeping and education, for such periods of time as may be deemed expedient, of all children who are destitute of proper parental care, wandering about the streets, committing mischief, and growing up in mendicancy, ignorance, idleness and vice.

Forty-first.—To fill up, drain, cleanse, alter, relay, repair and regulate any grounds, lots, yards, cellars, private drains, sinks and privies; direct and regulate their construction, and cause the expense thereof to be assessed and collected in the same manner as side-walk assessments.

Forty-second.—To direct and control the laying and construction of railroad tracks, bridges, turn-outs and switches, in the streets and alleys, and the location of depot grounds within the city. To require that railroad tracks, bridges, turn-outs, and switches shall be so constructed and laid as to interfere as little as possible with the ordinary travel and use of

the streets and alleys, and that sufficient space shall be left on either side of said tracks for the safe and convenient passage of teams and persons. To require railroad companies to keep in repair the streets through which their track may run, and to construct and keep in repair suitable crossings at the intersections of streets and alleys and ditches, sewers and culverts, when the city council may deem necessary. To direct and prohibit the use and regulate the speed of locomotive engines within the inhabited parts of the city. To prohibit and restrain railroad companies from doing storage or warehouse business or collecting pay for storage.

Forty-third.—The city council shall have power to pass, publish, amend and repeal all ordinances, rules and police regulations not contrary to the constitution of the United States or of this State, for the good government, peace and order of the city and the trade and commerce thereof, that may be necessary or proper to carry into effect the powers vested by this act in the corporation, the city government or any department or officer thereof; to enforce the observance of all such rules, ordinances and police regulations and to punish violations thereof by fines, penalties and imprisonment in the county jail, city prison or work house or both, in the discretion of the court or magistrate, before whom conviction may be had, but no fine or penalty shall exceed five hundred dollars nor the imprisonment of six months for any offence; and such fine or penalty may be recovered with costs in an action of debt, in the name or for the use of the city, before any court having jurisdiction, and punishment inflicted; and any person upon whom any fine or penalty is imposed, shall stand committed until the payment of the same and costs; and in default thereof, may be imprisoned in the county jail, city prison or work house, or required to labor on the streets or other public works of the city, for such time and in such manner as may be provided by ordinance.

Forty-fourth.—To recall and withdraw from circulation any of the matured city bonds for city indebtedness for the purpose of paying the same, or to have new bonds reissued to those who are legally entitled to them, but in no case shall such bonds be disposed of under par, nor shall any greater rate of interest be paid than ten per cent. per annum.

Forty-fifth.—To regulate and license all the groceries and beer houses, shows, menageries and other exhibitions within half a mile of the established boundaries of the city, excepting those within the limits of the town of West Belleville.

ARTICLE VI.

Taxes, etc.

§ 1. The city council shall have power within the city, by ordinance—

First.—To levy and collect annually taxes not exceeding five mills to the dollar, on all assessed value of real and personal estate, and property within the city, and all personal property of the inhabitants thereof, made taxable by the laws of the State for State purposes, to defray the general and contingent expenses of the city, not herein otherwise provided for, which taxes shall constitute a general fund.

Second.—Also to levy and collect a special tax on all property described in section first of not exceeding two mills on the dollar, which two mills shall constitute a sinking fund, to be wholly applied in the payment of the bonds and obligations of the city not due, and maturing on or before the first of January, 1863, and for no other purpose whatever.

Third.—Also to levy and collect, upon all property in such districts as they shall from time to time create, a tax sufficient to defray one-half of the expenses of erecting lamp posts and lamps and lighting the streets in such districts, and the tax thus collected shall be exclusively expended for such purposes in the districts paying the same.

Fourth.—To require (and it is hereby made the duty of) every male resident of the city over the age of twenty-one years, and under the age of fifty years, to labor three days in each year upon the streets and alleys of the city; but any person may, at his option, pay in lieu thereof two dollars: *Provided*, the same shall be paid within ten days after notification by the street inspector. In default of payment as aforesaid the sum of three dollars and costs may be collected, and no set off shall be allowed in any suit brought to collect the same.

ARTICLE VII.

Public grounds, &c.

§ 1. The city council shall have power to open and lay out public grounds, or squares, streets, alleys and highways, and to alter, widen, contract, straighten and discontinue the same. But no street, alley or highway, or any part thereof, shall be discontinued or contracted without the consent, in writing, of all persons owning land or lots adjoining said street, alley or highway. They shall cause all streets, alleys and highways, or public squares or grounds laid out by them, to be surveyed, described and recorded in a book, to be kept by the register, showing accurately and particularly the proposed improvements, and the real estate required to be taken; and the same, when opened and made, shall be public highways and public squares.

Compensation.

§ 2. Whenever any street, alley or highway, public ground or square, is proposed to be laid out, opened, altered, widened or straightened, by virtue hereof, and the amount of compensation cannot be agreed upon, the city council shall give notice of their intention to appropriate and take the land necessary for the same, to the owner thereof, by publishing said notice for ten days in the newspaper publishing the ordinances of the city; at the expiration of which time they shall choose, by ballot, three disinterested freeholders, residing in the city, as commissioners, to ascertain and assess the damages and recompense due the owners of said real estate respectively, and at the same time to determine what persons will be benefited by such improvement; and assess the damages and expenses thereof on the real estate benefited thereby, in proportion, as nearly as may be, to the benefits resulting to each. A majority of all the aldermen authorized by law to be elected, shall be necessary to a choice of such commissioners.

Sworn.

§ 3. The commissioners shall be sworn faithfully and impartially to execute their duties to the best of their abilities. Before entering upon their duties, they shall give at least five days' notice to all persons interested of the time and place of their meeting for the purpose of viewing the premises and making their assessments; which notice shall be given personally, if the owners are residents and known, or by publication in the newspaper publishing the ordinances of the city, if non-residents or unknown; they shall view the premises, and in their discretion, receive any legal evidence, and may, if necessary, adjourn from day to day.

Valuation—How Made.

§ 4. If there should be any buildings standing, in whole or in part, upon the land to be taken, the commissioners, before proceeding to make their assessment, shall first estimate and determine the whole value of such building to the owner, aside from the value of the land, and the actual injury to him in having such building taken from him; and secondly, the value of such building to him, to remove.

Notice.

§ 5. At least five days' notice shall be given to the owner, of such determination, when known, and a resident of the city, which may be given personally or in writing, left at his usual place of abode. If a non-resident, or unknown, like notice to all persons interested shall be given, by publication in the newspaper publishing the ordinances of the city.

Such notice shall specify the buildings and the award of the commissioners, and shall be signed by them. It shall also require the persons interested to appear by a day to be named therein, or give notice of their election to the city council, either to accept the award of the commissioners, and allow such building to be taken, with the land condemned or appropriated, or of their intention to receive such building at the value set thereon by the commissioners to remove; if the owner shall agree to remove such building, he shall have such reasonable time for that purpose as the city council may direct.

Sale of Building.

§ 6. If the owner refuses to take the building at its appraised value, to remove, or fails to give notice of his intention as aforesaid, within the time prescribed, the city council shall have power to direct the sale of such building, at public auction, for cash or on a credit, giving five days' public notice of the sale. The proceeds of the sale shall be paid to the owner, or deposited to his use.

Assessment of damages.

§ 7. The commissioners shall thereupon proceed to make their assessments, and determine and appraise to the owner the value of the real estate appropriated, and the injury arising from the condemnation thereof, which shall be awarded to such owner as damages, after making due allowance therefrom for any benefit which such owner may derive from such improvement. In the estimate of damage to the land, the commissioners shall include the value of the building, (if the property of the owner of the land,) as estimated by them as aforesaid, less the proceeds of the sale thereof; or if taken by the owner, at the value to remove, in that case they shall only include the difference between such value and the whole estimated value of such building.

Strike balance.

§ 8. If the damages to any person be greater than the benefits received, or if the benefit be greater than the damages, in either case the commissioners shall strike a balance and carry the difference forward to another column, so that the assessment may show what amount is to be received or paid by such owners, respectively, and the difference only shall in any case be collectable of or paid to them.

§ 9. If the lands and buildings belong to different persons, or if the land be subject to lease or mortgage, the injury done to such persons, respectively, may be awarded to them by the commissioners, less the benefit resulting to them, respectively, from the improvement.

Return of assessment by Commissioners.

§ 10. Having ascertained the damages and expenses of such improvement, as aforesaid, the commissioners shall thereupon apportion and assess the same, together with the costs of the proceedings, upon the real estate by them deemed benefited, in proportion to the benefit resulting from the improvements, as nearly as may be, and shall describe the real estate upon which their assessment may be made; when completed, the commissioners shall sign and return the same to the city council within forty days of their appointment.

Notice.

§ 11. The register shall give ten days' notice, by publication in the newspaper publishing the ordinances of the city, that such assessment has been returned, and on a day, to be specified therein, will be confirmed by the city council, unless objections to the same are made by some person interested. Objections may be heard before the city council, and the hearing may be adjourned from day to day. The council shall have power, in their discretion, to confirm or annul the assessment, or refer the same back to the commissioners. If annulled, all the proceedings shall be void; if confirmed, an order of confirmation shall be entered, directing a warrant to issue for the collection thereof. If referred back to the same or other commissioners, they shall proceed to make their assessment, and return the same in like manner, and give like notice as herein required in relation to the first; and all parties in interest shall have the like notice and rights, and the city council shall perform like duties and have like powers in relation to any subsequent determination as are herein given in relation to the first.

Remove Commissioners.

§ 12. The city council shall have power to remove commissioners, and from time to time to appoint others in place of such as may be removed, or refuse, neglect, or are unable, from any cause, to serve.

Lands Taken.

§ 13. The land required to be taken for the making, opening, widening, straightening or altering any street, alley or other highway, or public ground or square, shall not be appropriated until the damages awarded therefor to any owner thereof, under this act, shall be paid or tendered to such owner or his agent, or in case such owner or his agent cannot be found within the city, deposited to his or their credit in some safe place of deposit other than the hands of the treasurer; and then, and not before, such lands may be taken and appropriated for the purpose required in

making such improvements, and such streets, alleys or other highways for public grounds may be made and opened.

§ 14. When the whole of any lot, parcel of land or other premises, under lease or contract, shall be taken for any of the purposes aforesaid, by virtue of this act, all the covenants, contracts and engagements between landlords and tenants or any other contracting parties, touching the same or any part thereof, shall, upon the confirmation of the report of the commissioners, respectively, cease and be absolutely discharged.

When part taken.

§ 15. When part only of any lot, parcel of land or other premises, so under lease or contract, shall be taken for any of the purposes aforesaid, by virtue of this act, all the covenants, contracts, agreements and engagements respecting the same, upon the confirmation of the report of the commissioners, shall be absolutely discharged, as to that part thereof so taken, but shall remain valid as to the residue thereof, and the rents, consideration and payments reserved payable and to be paid for, or in respect to the same, shall be so proportioned as that the part thereof justly and equitably payable for such residue thereof, and no more, shall be paid or recoverable, in any respect of the same.

Appeal.

§ 16. Any person interested may appeal from any final order of the city council for opening, altering, widening or straightening any street, alley or other highway or public ground, to the circuit court of St. Clair county, by notice, in writing, to the mayor, at any time before the expiration of twenty days after the passage of said final order. In case of appeal, the city council shall make a return within thirty days after notice thereof, and the court shall, at the next term after the return filed in the office of the clerk thereof, hear and determine such appeal, and confirm or annul the proceedings, from which judgment no appeal or writ of error shall lie. Upon the trial of the appeal, all questions involved in said proceedings, including the amount of damages, shall be open to investigation by affidavit or oral testimony adduced to the court; or upon application of the city or any party, the amount of damages may be assessed by a jury in said court, without formal pleadings, and judgment rendered accordingly; and the burden of the proof shall, in all cases, be upon the city to show that the proceedings are in conformity with this act.

Landlord pay assessments.

§ 17. In all cases where there is no agreement to the contrary, the owner or landlord, and not the tenant or occupant, shall be deemed the

person who shall and ought to pay and bear every assessment made for the expense of any public improvement. Where any such assessment shall be made upon or paid by any person, when, by agreement or by-law, the same ought to be borne or paid by any other person, it shall be lawful for one so paying to sue for and recover of the person bound to pay the same, the amount so paid, with interest. Nothing herein contained shall, in any way, impair or affect any agreement between landlord and tenant, or other person, respecting the payment of such assessments.

Charges.

§ 18. The city council may, by ordinance, make any change they may deem advisable in the proceedings herein prescribed, for ascertaining the damages and injury occasioned to any person, or real estate, by reason of the condemnation of such real estate, or any real estate upon which any buildings may be situated, in whole or in part, and the assessment of such damages and injury upon persons or real estate benefited by the improvement, and in all such other respects as experience may suggest.

Rights of infants.

§ 19. When any known owner, or other person having an interest in any real estate, residing in the city or elsewhere, shall be an infant, and any proceedings shall be had under this act, the judge of the circuit court of St. Clair county, the county judge of said county, or any judge of the supreme court, may, upon the application of the city council, or such infant or his next friend, appoint a guardian for such infant, taking security from such guardian for the faithful execution of such trust, and all notices and summons required by this act shall be served on such guardian.

ARTICLE VIII.

Improvements of streets, &c.

§ 1. The city council shall have power, from time to time, to cause any street, alley or other highway to be graded, regraded, leveled, paved or planked, and keep the same in repair, and alter and change the same.

Sidewalks.

Second.—To cause sidewalks and crosswalks, main drains and sewers and private drains to be constructed and laid, relaid, cleansed and repaired, and regulate the same.

Public Square.

Third.—To grade, improve, protect and ornament any public square, or other public ground, now or hereafter laid out.

Collect City Taxes.

Fourth.—The city council shall have additional powers to assess and collect of the owners of lots or real estate on any street or other highway, or any part thereof, in the same manner as other city taxes, or in such manner as may be prescribed by ordinance, for the purpose of grading, macadamizing, paving or planking such street or other highways: *Provided*, that such tax shall not exceed five mills per annum of the value of the property assessed.

City Districts.

§ 2. That, for the purpose of establishing a system of sewerage and drainage, the city council may have power to cause the city to be laid off into districts, to be drained by principal and lateral or tributary sewers or drains, having reference to a general plan of drainage, by sewers and drains, for the whole city, and number and record the same.

Special Tax.

§ 3. That whenever a majority in number of the owners of real estate within any district shall petition the city council for the construction of such drains or sewers in such district, the city council shall have power to levy and collect a special tax on the real estate within the district so drained, and not to exceed five (5) mills to the dollar, per annum, on the assessed value thereof, for the purpose of constructing such sewers and drains; which tax [shall] be annually levied and collected as other city taxes by law, and shall constitute a lien on the real estate in the district in which it is assessed; and the city council shall have power to provide for the construction and letting of such sewers and drains, or such parts thereof as they shall deem necessary, and may from time to time extend, enlarge or alter the same, upon such terms and conditions as they shall deem necessary; and the city council shall have power to borrow money for the construction of such sewers and drains, payable in principal and interest from the special tax collected in such districts, or the city council may apportion the estimated cost of such drains and sewers, and collect the same by a series of annual assessments. But no ordinance creating such debt, special tax or apportionment shall be repealed or altered until the debt created thereby shall have been paid.

Sidewalks.

§ 4. All owners or occupants of lots or lands in front of, adjoining or upon whose premises the city council shall order and direct sidewalks or private drains, communicating with any main drain, to be constructed,

graded, repaired, relaid or cleansed, or shall declare any such land or lots to be nuisances, and order the same to [be] graded, filled up and drained, or otherwise improved, shall make, grade, repair or relay such side-walks, or make, repair or cleanse such private drain, or grade, fill up, drain or otherwise improve such lot or land at their own cost and charges, within the time and in the manner prescribed by ordinance or otherwise, and if not done within the time and in the manner prescribed, the city council may cause the same to be constructed, repaired, relayed, cleansed, filled up, graded, drained, or otherwise improved, and assess the expense thereof, by an order, to be entered in their proceedings, upon the lots and lands respectively, and collect the same by warrant and sale of the premises, as in other cases. A suit may also be maintained against the owner or occupant of such premises, for the recovery of such expenses as for money paid and laid out to his use at his request.

Tax for the removal of nuisances.

§ 5. In all cases where expenses may be incurred in the removal of any nuisance, the city council may cause the same to be assessed against the real estate chargeable therewith, in the same manner prescribed in the foregoing section. Such expenses may be likewise collected of the owner or occupant of such premises, in a suit for money expended to his or their use; and in case the same should not be chargeable to any real estate, suit may in like manner be brought for such expenses against the author of such nuisance, if known, or any person whose duty it may be to remove or abate the same.

Cleansing of alleys.

§ 6. The city council shall have power to compel the owners of lots or ground fronting or adjoining any private or public alley, to keep said alley clean, and, if necessary, to direct the same to be paved, macadamized, planked, or otherwise, and the costs thereof to be assessed and collected in the same manner as sidewalk assessments.

ARTICLE IX.

Assessors and assessment lists.

§ 1. The city council shall have power, by ordinance, to prescribe the form [of] assessment lists, and prescribe the duties and define the powers of assessors. They may also make such rules and give such directions in relation to revising, altering or adding to the lists as they may deem proper and expedient.

§ 2. The annual assessment lists shall be returned by the assessor on or

before the first Monday in August in each year, but the time may be extended by order of the city council. On the return thereof, the city council shall fix a day for hearing objections thereto, and the register shall give notice of the time and place of such hearing, by publication in the newspaper publishing the ordinances of the city; and any person feeling aggrieved by the assessment of his property may appear at the time specified, and make his objections. The city council shall have power to supply omissions in said assessment lists, and, for the purpose of equalizing the same, to alter, add to, take from, and otherwise correct and revise the same, or to refer the same back to the assessor, with instructions to correct and revise the same.

Assessment lists filed.

§ 3. When the assessment lists have been corrected and revised, the same shall be filed, and an order confirming the same and directing the warrant to be issued for the collection thereof shall be entered by the register. The city council shall thereupon, by an ordinance or resolution, levy such sum or sums of money as may be sufficient for the several purposes for which taxes are herein authorized to be levied, not exceeding the authorized per centage, particularly specifying the purposes for which the same are levied, and if not for general purposes, the division of the city upon which the same are laid.

Assessments a lien.

§ 4. All taxes and assessments, general or special, levied or assessed by the city council under this act, or any ordinance in pursuance thereof, shall be a lien upon the real estate upon which the same may be imposed, voted or assessed for two years from and after the corrected assessment lists shall be confirmed, or the passage of the order for assessment, and on personal estate, from and after the delivery of the warrant for the collection thereof until paid, and no sale or transfer shall affect the lien. Any personal property belonging to the debtor may be taken and sold for the payment of taxes on real or personal estate, and the real estate shall be liable for the taxes on personal estate in case of removal, or when the tax cannot be made out of the personal estate, in the same manner as is prescribed by the laws of the State: *Provided*, that in case the collection of any assessment shall be delayed by injunction, or other judicial proceedings, the same shall continue a lien, unless set aside, upon the real estate, for the period of two years from and after the final disposition of such injunction or other judicial proceeding.

Issue warrants for taxes.

§ 4. The register shall issue a warrant or warrants for the taxes, and rule therein separate columns, in which the taxes levied shall be respectively set down opposite the name of the person or such real estate subject thereto. Each column shall be headed with the name of the tax therein set down.

Warrants signed by Mayor.

§ 6. All warrants issued for the collection of general or special taxes and assessments shall be signed by the mayor and register, with the corporate seal thereto attached, and shall contain true and perfect copies of the corrected assessment lists, upon which the same may be issued. They shall be delivered to the collector for collection within thirty days after the filing of the corrected lists, unless further time for this purpose shall be given by the city council. If not otherwise paid, the collector shall have power to collect said taxes, with interest and costs, by suit in the corporate name, or by distress and sale of personal property as aforesaid, after a demand and refusal to pay the same: *Provided*, a notice, published by the collector for ten days in the newspaper printing the ordinances of the city, shall be deemed a demand, and a neglect to pay taxes for twenty days thereafter shall be deemed a refusal. The assessor's list shall, in all cases, be evidence on the part of the city corporation.

Collector collect taxes.

§ 7. All taxes and assessments, general or special, shall be collected by the collector in the same manner and with the same power and authority as is given by law to collectors of county and State taxes. He shall pay the same as fast as collected into the city treasury, and his duty in regard to returning warrants and settling with the city, and his liabilities, in case of default or misconduct, shall be the same as prescribed by law: *Provided*, the city council shall have the powers, duties and liabilities of collectors by ordinance.

Non-payment.

§ 8. Whenever the city council shall by ordinance, resolution, or other proceeding, in conformity with and by virtue of this act, levy any tax, either for general or special purposes, or make any assessment on any lot, ground or real estate, for the purpose of improving any street, sidewalk or alley, or for grading any lot or real estate, and such tax or taxes shall not be paid within the time fixed by ordinance, the collector shall give thirty days' notice by advertisement in the newspaper publishing the city ordinances, that he will apply to the county court of St. Clair county, for the purpose of obtaining a judgment against such delinquent lot or parcel

of real estate, for the amount of taxes or assessments and costs due and unpaid; and the county court shall hear and determine said application and render judgment against said delinquent real estate in the same manner, and said judgment shall have the like effect as though said delinquent list had been returned to the county court by the sheriff or collector of the county in the collection of State and county taxes, and the county court shall issue its precepts or order to the collector of the city, directing him to sell said real estate at public auction, to pay said delinquent taxes, assessments and costs. The city council shall have full power to adopt any regulation or proceeding they may deem necessary to carry this section into effect, and to fix the time of said application to the county court and the time and place of the sale of said real estate.

Sale for taxes.

§ 10. All sales shall be conducted in the manner required by law, but the city council shall have power to prescribe the manner of conducting the same. The sale shall be made for the smallest portion of ground, to be taken from the east side of the premises, for which any person will take the same, and pay the taxes or assessments thereon, with interest and costs of sale. Duplicate certificates of sale shall be made and subscribed by the collector, one of which shall be delivered to the purchaser, and the other filed in the office of the register, which certificate shall contain the name of the purchaser, a description of the premises sold, the amount of taxes or assessments, with the interest and expenses for which the same was sold, and the time when the right to redeem will expire. The collector shall be allowed the same fees for selling as are allowed by law for similar services, or his fees may be regulated by ordinance. The register shall keep a record of such sales, which shall be open to public inspection at all reasonable times.

Redemption.

§ 11. The right of redemption in all cases of sales for taxes or assessments, shall exist to the owner, his heirs, creditors, or assigns, to the same extent as is allowed by law in cases of sales of real estate for taxes, on the payment in specie of double the amount for which the same was sold, and all taxes accruing subsequent to the sale, with interest. If the real estate of any infant, *feme covert*, or lunatic, be sold under this act, the same may be redeemed at any time within one year after such disability is removed. In case of redemption, the money may be paid to the purchaser, or for him to the city register, who shall make a special deposit thereof with the treasurer, taking his receipt therefor. If not redeemed according to law,

the city council shall, upon the return of the certificate, or proof of its loss, direct a deed to be executed to the purchaser, under the corporate seal, signed by the mayor or presiding officer of the city council, and countersigned by the register conveying to such purchaser the premises so sold and unredeemed as aforesaid. An abstract of all deeds so made and delivered shall be entered by the register in the book wherein tax sales are recorded. A fee of one dollar may be charged by the register for any deed so issued.

Deed.

§ 12. The assignee of any tax certificate of any premises sold for taxes, or assessments, under authority of the city, shall be entitled to receive a deed of such premises, in his own name, and with the same effect as though he had been the original purchaser.

§ 13. If at any sale of real or personal estate for taxes or assessments, no bid shall be made for any parcel of land, or any goods and chattels, the same shall be struck off to the city, and thereupon the city shall receive, in the corporate name, a certificate of the sale thereof, and shall be vested with the same rights as other purchasers at such sales.

Deeds evidence.

§ 14. All deeds made to purchasers of lots sold for taxes or assessments, by order of the city council, shall be *prima facie* evidence in all controversies and suits in relation to the right of the purchaser, his heirs or assigns, to the premises thereby conveyed, of the following facts:

First.—That the land or lot conveyed was subject to taxation or assessment at the time the same was advertised for sale, and had been listed and assessed in the time and manner required by law.

Second.—That the taxes or assessments were not paid at any time before the sale.

Third.—That the land conveyed had not been redeemed from the sale at the date of the deed, and shall be conclusive evidence of the following facts:

First.—That the land or lot was advertised for sale the length of time and in the manner required by law.

Second.—That the land was sold for taxes or assessments, as stated in the deed.

Third.—That the grantor in the deed was the purchaser.

Fourth.—That the sale was conducted in the manner required by law; and in all controversies and suits involving the title to land claimed and held under and by virtue of such deed, the person or persons claiming title

adverse to the title conveyed by such deed, shall be required to prove, in order to defeat the said title, either that the land was not subject to taxation at the date of the sale, that the taxes or assessments had been paid, that the said land had never been listed or assessed for taxation or assessment, or that the same had been redeemed according to the provisions of the act, and that such redemption was made for the use and benefit of the persons having the right of redemption under the laws of the State; but no person shall be permitted to question the title acquired by the said deed, without first showing that he, she or they, or the person under whom he, she or they claim title, had title to the land at the time of the sale, or that the title was obtained from the United States, or this State, after the sale, and that all taxes due upon the lands have been paid by such persons or the person under whom he claims title as aforesaid.

ARTICLE X.

Wooden buildings.

§ 1. The city council, for the purpose of guarding against the calamities of fire, shall have power to prohibit the erection, placing or repairing of wooden buildings, within the limits prescribed by them, without their permission, and direct and prescribe that all buildings within the limits prescribed shall be made or constructed of fire-proof materials, and to prohibit the rebuilding or repairing of wooden buildings within the fire limits, when the same shall have been damaged to the extent of fifty per cent. of the value thereof, and to prescribe the manner of ascertaining such damage. To declare all dilapidated buildings to be nuisances, and to direct the same to be repaired, removed or abated in such manner as they shall prescribe and direct; to declare all wooden buildings within the fire limits, which they may deem dangerous to contiguous buildings, or in causing or promoting fires, to be nuisances, and to require and cause the same to be removed or abated in such manner as they shall prescribe.

Chimneys.

§ 2. The city council shall have power—

First.—To regulate the construction of chimneys and flues so as to admit of chimney sweeps, or other mode of cleaning, and to compel the sweeping and cleaning of chimneys.

Second.—To prevent and prohibit the dangerous construction and condition of chimneys, flues, fire places, stove pipes, ovens, or any other apparatus used in or about any building or manufactory, and to cause the same to be removed or placed in a secure and safe condition, and to cause such as may be dangerous to be put in safe condition.

Ashes, etc.

Third.—To prevent the deposit of ashes in unsafe places, and to appoint one or more officers to enter all buildings and inclosures, to examine and discover whether the same are in a dangerous state, and to cause such as may be dangerous to be put in safe condition.

Fire Buckets.

Fourth.—To require the inhabitants to provide as many fire buckets, and in such manner and time as they shall prescribe, and to regulate the use thereof in times of fire, and to require all owners and occupants of buildings to construct and keep in repair wells or cisterns upon their premises.

Fifth.—To regulate and prevent the carrying on of manufactories and works dangerous in promoting or causing fires.

Sixth.—To regulate, prevent and prohibit the use of fire works and fire arms.

Gunpowder, etc.

Seventh.—To direct and prohibit the management of houses for the storing of gunpowder, and other combustible and dangerous materials, within the city; to regulate the keeping and conveying of the same, and the use of candles and other lights in stables and other like houses.

Eighth.—To regulate and prescribe the manner, and order the building of parapet and partition walls and of partition fences.

Ninth.—To compel the owners or occupants of houses or other buildings to have scuttles in the roofs, and stairs or ladders leading to the same.

Authority of the mayor and other officers in case of fire.

Tenth.—To authorize the mayor, fire wardens or other officers of said city, to keep away from the vicinity of any fire all idle and suspicious persons, and to compel all officers of the city, and all other persons, to aid in the extinguishment of fires, and in the preservation of property exposed to danger thereat, and in preventing goods from being stolen.

Eleventh.—And generally to establish such regulations for the prevention and extinguishment of fires as the city council may deem expedient.

Fire Engines.

§ 3. The city council may procure fire engines, and all other apparatus used for the extinguishment of fires, and have the charge and control of the same, and provide fit and secure houses and other places for keeping and preserving the same; and shall have power—

First.—To organize fire, hook, hose, axe and ladder companies.

Second.—To appoint, during their pleasure, a competent number of able and reputable inhabitants of the city firemen, to take care and have the management of the engines and other apparatus and implements used and provided for the extinguishment of fires.

Prescribe the duties of firemen.

Third.—To prescribe the duties of firemen, and to make rules and regulations for their government, and to impose reasonable penalties upon them for a violation of the same, and for incapacity, neglect of duty or misconduct, to remove them.

Engineers.

Fourth.—The city council shall have power to appoint a chief and assistant engineers of the fire department, and they, with the other firemen, shall take the care and management of the engines and other apparatus and implements provided and used for the extinguishment of fires, and their powers and duties shall be prescribed and defined by the city council.

Firemen to be exempt from serving as Jurors, etc.

§ 4. The members of the city council and firemen shall, during their terms of service as such, be exempted from serving on juries, in the militia, or working on the streets, or paying tax for the same. The name of each fireman shall be registered with the register of the city, and the evidence to entitle him to the exemption provided in this section, shall be the certificate of the register, under the corporate seal, for the year for which exemption is claimed.

ARTICLE XI.

Health Commissioners.

§ 1. The board of health shall consist of one alderman from each ward, to be appointed, annually, by the mayor; and the mayor, or presiding officer of the city council, shall be president of the board, and the city register shall be their clerk, and keep minutes of its proceedings.

Duty.

§ 2. It shall be the duty of health officers to visit every sick person who may be reported to them as hereinafter provided, and to report, with all convenient speed, their opinion of the sickness of such person to the clerk of the board, and to visit and inspect all houses or places in which they may suspect any person to be confined with any pestilential or infectious disease, or to contain unsound provisions, or damaged or putrid animal or vegetable matter, or other unwholesome articles, and to make report of the state of the same, with all convenient speed, to the clerk of the board.

Removal of diseased persons.

§ 3. All persons in the city, not residents thereof, who may be infected with any pestilential or infectious disease, or all things which, in the opinion of the board, shall be infected by or tainted with pestilential matter, and ought to be removed, so as not to endanger the health of the city, shall, by order of said board, be removed to some proper place, not exceeding five miles beyond the limits of the city, to be provided by the board, at the expense of the person removed, if able; and the board may order any furniture or wearing apparel to be destroyed, whenever they may deem it necessary for the health of the city, by making just compensation.

Prescribe powers and duties of the Commissioners.

§ 4. The city council shall have power to prescribe the powers and duties of the board of health, and to punish, by fine or imprisonment, or both, any refusal or neglect to obey the orders and regulations of the board.

§ 5. The health officers may be authorized by the city council, when the public interests require, to exercise, for the time being, such powers, and perform such of the duties, of the marshal or supervisor, as the city council may, in their discretion, direct, and shall be authorized to enter all houses and other places, private or public, at all times, in the discharge of any duty under this act, or any ordinance.

Physicians to make report.

§ 6. Every person practicing physic in this city, who shall have a patient laboring under any malignant, infectious or pestilential disease, shall forthwith make report thereof, in writing, to the clerk of the board, and for neglect to do so shall be considered guilty of misdemeanor, and liable to a fine of fifty dollars, to be sued for and recovered, with costs, in an action of debt, in any court having cognizance thereof, or before a justice of the peace, for the use of the city.

ARTICLE XIII.

Miscellaneous Provisions—Publish statements.

§ 1. The city council shall, at least ten days before the annual election in each year, cause to be published in the newspaper publishing the ordinances of the city, a correct and full statement of the receipts and expenditures from the date of the last annual report, together with the sources from whence the former are derived, and the mode of disbursement, and also a distinct statement of the whole amount assessed, received and expended in the respective wards and divisions, for making and repairing streets, highways and bridges for the same period, together with such

information as may be necessary to a full understanding of the financial concerns of the city.

Exempt from road labor.

§ 2. The inhabitants of the city of Belleville are hereby exempt from working upon any road or highway beyond the limits of the city, and from paying the tax in lieu thereof without said limits.

§ 3. The street inspector shall demand the services of all persons who are required to labor on the streets and alleys of the city, at such time and place, and in such manner, as the city council may direct or the inspector shall deem necessary. He shall deliver, or cause to be delivered or left at the usual place of abode or business of any person so required to labor as aforesaid, a written or printed notice, or partly written or printed notice, in such form as the city council shall prescribe; which notice shall be given at least five days previous to the first day on which he or they are required to labor, requiring such person to appear at such time and place as may be designated, for the purpose of laboring upon the streets and alleys. But a similar notice, published for ten days in the newspaper publishing the ordinances of the city, by the inspector, or posted in three of the public places of the ward or district, shall be deemed a sufficient notice to require all persons to appear and labor as aforesaid. Upon the neglect of any person to appear and labor as aforesaid, or to pay the tax in lieu thereof, the collector shall collect from each person, in the same manner as other taxes, the sum of three dollars, with his commission for collecting the same added thereto.

Fines, &c.

§ 4. All fines, forfeitures and penalties collected for offences committed within the city shall be paid into the treasury of said city by the officers collecting the same, and all fines and forfeitures collected of any citizen of said city for any conviction in the circuit court, shall be paid over in like manner.

Richland creek.

§ 5. The water course known as Richland creek in said city, or any natural branch leading thereinto, shall not be filled up, altered or changed, except in the manner prescribed by the city council; and the city council shall have power to establish and direct, and prescribe the manner of altering, changing and straightening, and to wall, fill up, culvert or sewer the same.

Numbering lots.

§ 6. The city council shall have power to cause the blocks and lots of the city to be surveyed, platted and numbered in consecutive numbers from

one upwards, and to designate and number all fractional or other lots or blocks in such manner as they may prescribe by ordinance, and such plat, designation and numbers, when made and duly recorded, shall be a good and valid description of said blocks and lots or fractional blocks and lots. To establish, mark and declare the boundaries and names of streets and alleys; to require that all additions hereafter made to said city, or all lands adjoining or within the same, laid out into blocks or lots, shall be so laid out and platted as to correspond and conform to the regular blocks, streets and alleys already laid out and established within the city.

Expenditures.

§ 7. The city council shall, in all expenditures for purposes strictly local, expend annually, in the several natural divisions of the city, such proportion, as near as may be, of the whole expenditures for like purposes during the same period, as will correspond to the several sums contributed by each division to the general fund; street taxes shall be expended in the several wards or districts where the persons paying the same may respectively [reside].

Penalty of Inspector.

§ 8. The street inspector, in addition to the penalties prescribed by ordinance, shall, for willful neglect of duty, be liable to indictment and fine, in the same manner as supervisors under the State laws.

Remittance of Fines.

§ 9. Neither the city council or mayor shall remit any fine or penalty imposed upon any person for a violation of any laws or ordinances of said city, or release from confinement, unless two-thirds of all the aldermen elected shall vote for such release or remission; nor shall anything in this act be so construed as to oust any court of jurisdiction to abate and remove nuisances within its jurisdiction, by indictment or otherwise.

Vote of City Council.

§ 10. No vote of the city council shall be reconsidered or rescinded at a special meeting, unless the meeting be called in whole or in part for that purpose, and the aldermen be notified, and unless at such special meeting there be present as large a number of aldermen as were present when the vote was taken.

Ordinances and By-Laws to be Published.

§ 11. Every ordinance, regulation and by-law imposing any penalty, fine, imprisonment, or forfeiture for a violation of its provisions, shall, after the passage thereof, be published once in the newspaper publishing the

ordinances of the city, and proof of such publication, by the affidavit of the printer or publisher of such newspaper, taken before any officer authorized to administer oaths, and filed with the register, or any other competent proof of such publication, shall be conclusive evidence of the legal publication and promulgation of such ordinance, regulation or by-law in all courts and places.

Cemetery.

§ 12. The cemetery lots which may be laid out and sold by the city or private persons, for private places of burial, shall, with the appurtenances, forever be exempt from execution and attachment.

Suits Brought in the Name of the City.

§ 13. All actions brought to recover any penalty or forfeiture incurred under this act, or any ordinance, by-law or police regulation made in pursuance thereof, shall be brought in the corporate name. It shall be lawful to declare generally in debt, for such penalty, fine or forfeiture, stating the clause of this act or the by-law or ordinance under which the penalty or forfeiture is claimed, and to give the special matter in evidence under it.

First Process.

§ 14. In all prosecutions for any violation of any ordinance, by-law or other regulation, the first process shall be a summons, unless oath or affirmation be made for a warrant, as in other cases.

Executions.

§ 15. Execution may be issued immediately on rendition of judgment. If the defendant has no goods, or chattels, or real estate, within the county of St. Clair, whereof the judgment can be collected, the execution shall require the defendant to be confined in the county jail, or work house, or city prison, for a term of not exceeding six months, in the discretion of the court rendering judgment; and all persons who may be committed under this section shall be confined one day for each one dollar of such judgment and costs. All expenses incurred in any prosecution for the recovery of any fine, penalty or forfeiture, when collected, shall be paid into the city treasury.

Penalty.

§ 16. Any person who shall injure or destroy any bridge or any public building or other property belonging to the city, or shall cause or procure the same to be injured or destroyed, shall be subject to a penalty not exceeding five hundred dollars for such offence, to be recovered by the city in an action of debt, and may be imprisoned not exceeding six months, in the discretion of the court before whom such conviction may be had, and

such person shall also be liable in a civil action at the suit of the city, for the damages occasioned by such injury or destruction.

Freeholders not Exempt as Judges, etc.

§ 17. No person shall be an incompetent judge, justice, witness or juror, by reason of his being an inhabitant or freeholder in the city of Belleville, in any action or proceeding in which said city may be a party in interest.

Ordinances in Force.

§ 18. All ordinances, regulations and resolutions now in force in the city of Belleville, and not inconsistent with this act, shall remain in force under this act until altered, modified or repealed by the city council after this [act] shall take effect.

Suits.

§ 19. All rights, actions, fines, penalties and forfeitures, in suit or otherwise, which have accrued under the several acts consolidated herein, shall be vested in and prosecuted by the corporation hereby created.

Property.

§ 20. All property, real, personal or mixed, belonging to the city of Belleville is hereby vested in the corporation created by this act, and the officers of said corporation now in office shall respectively continue in the same, until superseded in conformity to the provisions hereof, but shall be governed by this act, which shall take effect from and after its passage.

Published ordinances.

§ 21. All ordinances of the city, when printed and published by authority of the city council, shall be received in all courts and places without further proof.

Style.

§ 22. The style of all ordinances shall be, "Be it ordained by the City Council of the City of Belleville."

§ 23. Any tract of land adjoining said city which may be laid off into blocks or lots, and duly platted according to law, and any tract of land adjoining the city, with the consent of the owner thereof, shall and may be annexed to said city, and form a part thereof.

This act not to invalidate acts of city council.

§ 24. This act shall not invalidate any legal act done by the city council of the city of Belleville, or by its officers, nor divest their successors under this act of any rights of property or otherwise, or liability which may have accrued to or been created by said corporation prior to the passage of this act.

Police magistrate.

§ 25. The city council shall have power to require the police magistrate to report and settle quarterly, or oftener, and to conform to the ordinances and resolutions passed from time to time.

Fees.

§ 26. The police magistrate and all other officers of the city shall not be entitled to receive any fees from the city when from any cause the city shall be unsuccessful in the prosecution of any action, or should be unable to collect any fine and costs, or until the money has been collected by the officer authorized to collect the same.

Breakers of peace.

§ 27. All officers of the city created conservators of the peace by this act, or authorized by any ordinance, shall have power to arrest or cause to be arrested, with or without process, all persons who shall break the peace, or threaten to break the peace, or be found violating any ordinance of this city, commit for examination, and, if necessary, detain such person in custody over night, or the Sabbath, in the watch-house, or other safe place, or until they can be brought before a magistrate, and shall have and exercise such other powers as conservators of the peace as the city council may prescribe.

Power of council heretofore.

§ 28. Nothing in this act shall be so construed as to deprive the city council of said city of any powers or authority conferred upon the same by the act incorporating said city, and the various acts amendatory thereto; but the city council shall possess and enjoy all the powers and authority heretofore conferred upon the same, except so far as such powers and authority are expressly modified or repealed by this act, or the acts heretofore mentioned.

Digest of ordinances.

§ 29. There shall be a digest of the ordinances of the city, which are of a general nature, published within one year after the passage of this act, and a like digest within every period of five years thereafter.

§ 30. This act shall be deemed a public act, and may be read in evidence without proof, and judicial notice shall be taken thereof in all courts and places, and shall take effect from and after its passage.

Approved, February 18, 1859.

AN ACT

TO AMEND THE CHARTER OF THE CITY OF BELLEVILLE.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That the city council of the city of Belleville shall have power, within the jurisdiction of said city, by ordinance, to regulate cemeteries and burying grounds, within two miles of the city, and to punish by fines, penalties or imprisonments, all persons who shall trespass upon, or desecrate the same, or violate the provisions of any ordinance in relation thereto, in the same manner as if the offense were committed within the city.

§ 2. The city council shall have power to adopt a plan for the laying out, and platting of all additions which may be made to the city, or of subdivisions of lands lying within the city, or within one-half mile of the limits thereof, so as to establish regularity, and uniformity in the streets and highways of the city and vicinity, and to require that all additions, and subdivisions, which may be so laid out, or platted, shall conform to such plan; and no map or plat of any addition, to said city, or of any subdivision of lands lying within the same, or within one-half mile of the limits thereof shall be entitled to record, or shall be recorded in the office of the recorder of St. Clair county, until the same shall have been approved by the city council of said city, and all such additions or subdivisions, shall be null and void, unless a correct map or plat thereof shall be approved by the city council of said city before the same is filed for record.

§ 3. No person shall be entitled to vote at any election in said city, who has not been a citizen of the State of Illinois for at least one year, and of said city, for at least six months, and of the ward in which he proposes to vote, for ten days next preceding such election, and if required by any judge or qualified voter, he shall take the following oath before he shall be permitted to vote. "I swear (or affirm) that I am of the age of twenty-"one years, and have been a resident of this State one year, a resident of "this city six months, and a resident of this ward ten days immediately "preceding this election."

§ 4. The salary of the mayor of said city shall not be more than three hundred dollars per year. And no alderman shall receive more than fifty dollars per year for any services rendered by him as member of the city council.

§ 5. Police magistrates shall, upon proper information of any violation of any penal clause of the city charter, or of any penal ordinance of the city, issue a warrant to the city marshal, or any police constable, or any

other officer, authorized to execute the same, commanding him to forthwith apprehend the offender, and bring him before him, or any competent court, and if upon the trial it shall appear satisfactory to the court or jury, after hearing the evidence, and proofs adduced in the case, that the accused is guilty of the offense complained of, such fine, penalty, forfeiture or imprisonment shall be imposed or adjudged against the offender, as may be prescribed by the charter or ordinances. No process shall be necessary, where the offender is arrested without warrant, and brought before the court, but an entry of the cause, place and time of arrest shall be made upon the docket of the court, and trial had in the same manner, as if process had been issued.

§ 6. The city may sue and declare for several fines, penalties, or forfeitures, for violations of the charter or ordinances of the city, and recover judgment for as many offenses as may be proven, not exceeding the jurisdiction of the court and may prove, any offense committed before the commencement of the suit.

§ 7. The city may appeal in all cases arising under the charter and ordinances of the city without giving security; and the mayor, in cases of appeals by the city, shall execute bond under the corporate seal, without sureties, and a resolution or ordinance of the city council authorizing the same shall be sufficient authority therefor. Nor shall the city in any case be required to file bond, or security for costs.

§ 8. The city council shall have power to levy and collect, besides the general tax, a special tax, on all taxable property, of not exceeding two mills on the dollar, which two mills shall constitute a sinking fund, to be applied wholly in the payment of the bonds and obligations of the city due, or maturing on or before the first of January, 1865, and for no other purpose whatever.

§ 9. The city council may authorize the mayor and register to issue bonds to the amount of five thousand dollars, payable in not less than ten, nor more than fifteen years, and bearing ten per cent. interest per annum, the proceeds of which shall be applied to the building of cisterns, or to subscription for stock to aqueduct, or water works; said bonds not to be disposed of for less than par, provided that no such bonds shall be issued, unless a majority of the tax payers, to whom the question shall be submitted, shall have decided in favor thereof.

§ 10. Section 29 of the 13th article of the charter of said city, approved February 18th, A. D., 1859, is hereby repealed, and no act of the city council for the non-observance of said section shall in any way be affected or impaired, any more than if said section had never been a part of the charter of said city.

§ 11. Every act, and every part of any act in conflict with the provisions of this act are hereby repealed. This act to take effect, from and after its passage.

Approved February 22d, 1861.

No. I.

Accounts against the city—Ordinance relating to accounts.

Section 1. No mayor, alderman or other officer of the city of Belleville, shall be allowed to keep or withhold any money collected by him, or that may come into his hands by virtue of his office, or otherwise, for the payment of any salary, claim or account which may be due and owing to him by the city: *Provided*, that this section shall not be construed as applying to the costs and fees due in the police magistrates' courts, the commissions allowed for collections, and the fees allowed for weighing. Any person so withholding or neglecting to pay over said money to the proper officer, shall be fined in any sum not exceeding one hundred dollars.

§ 2. No account or claim against the city of Belleville, upon any contract made or incurred by any officer, by authority of the city council, or of any ordinance or resolution, except for salaries of city officers, or for payments specifically ordered to be made by the city council or ordinance, shall be considered, audited, or allowed, or any warrant issued for the payment thereof, unless accompanied with the certificate of the officer by whom or under whose authority the same was incurred or contracted, stating "that he has examined the account, and believes it to be true and just, and in accordance with the contract."

No. II.

Additions—Ordinance relating to additions.

Section 1. Any addition which may hereafter be laid out on land, within the limits of the city of Belleville, or on land adjoining the said city limits, by subdividing said lands into parts of an acre, lots or blocks, shall conform to and correspond with the regular blocks of the original town plat, and with the additions corresponding therewith, so as to establish regularity and uniformity in the streets and alleys of said city, and of the avenues leading to it.

§ 2. A plain and correct map of such addition intended to be laid out, shall be made and submitted to the city council for its approval, before the same can be filed for record. If the city council approve of the addition as laid out, such approval shall be entered on the record of the

proceedings of the council, and certified by the city register on the map or plat to be entered for record at the recorder's office of St. Clair county.

§ 3. The city council may, for good and sufficient reasons, permit any person to lay out any addition or subdivision within the city of Belleville, or adjoining the limits thereof, in any other manner or on a different plan than specified in Section first; such permission and approval to be certified as provided in Section second.

No. III.

Auctions and auctioneers—Ordinance concerning auctions and auctioneers.

Section 1. All sales at public auction within the city of Belleville, shall be made by an auctioneer, who shall first have obtained a license according to the ordinance, and shall have paid therefor the sum of thirty-five dollars to the city register, and shall also have executed a bond to said city, with security, to the satisfaction of the mayor, in the penal sum of two thousand dollars, conditioned for the payment of all duties that are, or may be imposed by this, or any subsequent ordinance, on sales made by him; said license not to be granted for less than one year, and to be in force from the date thereof.

§ 2. Every person who may wish to obtain a license, as above mentioned, shall apply in writing to the mayor or city council, setting forth in his application the proposed place of business, and the name or names of his security or securities; and in no case shall the said license be transferable.

§ 3. Any person who shall sell, or attempt to sell, at public auction in said city, any goods, chattels, or personal property whatever, without first having obtained a license therefor, as above required, shall forfeit and pay for each offense a fine of not less than five, nor more than two hundred, dollars.

§ 4. A duty of ten per cent. shall be assessed and paid to the city register, at least once a month, upon all sales of personal property of every description, made by any auctioneer who shall not have been a resident of the city of Belleville one year prior to the date of his license, and who shall have brought, or caused to be brought, to said city, any goods, chattels, or personal property, for the express purpose to dispose of them by auction. It shall be the duty of such auctioneer to render a monthly account of his sales to the city register, dating from the day of his license, exhibiting the amount of sales made by him, or under his authority, and the duties that have accrued thereon; and for a failure to do so for the space of three days after the expiration of the month, his license may be

declared forfeited, and he shall be subject to a further penalty of five dollars for each and every day such duties and accounts shall be withheld; this section, however, not to apply to persons who have been residents of the city of Belleville one year prior to the date of their license.

§ 5. Every account so rendered shall have an oath attached thereto, signed by said auctioneer, setting forth the amount of sales made by him, also the amount of duties due said city, and that no misrepresentations or deceit have been used, whereby to defraud the said city, either in sales made or the accounts so rendered.

§ 6. All sales made at public auction under and by virtue of legal process, shall be exempted from the operation of the provisions of this ordinance.

No. IV.

Attorney of the city—Ordinance relating to the city attorney.

Section 1. A suitable person, who shall have been a resident of this city, and licensed to practice law in the courts of this State, at least two years before his appointment, shall be appointed city attorney, or city counselor, and shall hold his office for one year.

§ 2. It shall be the duty of the city attorney—

First.—To prosecute and defend all suits and actions originating and pending in any police magistrates' or justices' of the peace court in this city, to which the city is a party, or in which, in the opinion of the mayor, the interests of the city are brought into controversy, or in which the official acts of any of its officers, servants, or agents are involved.

Second.—To advise the city council, or its committees, or any city officer, on such legal questions as may arise in relation to business of the city.

Third.—To keep an account book showing all claims placed in his hands for collection, all monies received by him on account of the city, and all payments to the city treasurer.

Fourth.—To keep a book or docket in which he shall enter an abstract of all suits pending, and judgments in favor of or against the city of Belleville, in tabular form, substantially as follows: names of parties; suit; when brought; in what court; nature of action; names of witnesses; amount of judgment; date of execution; when returnable, and how satisfied.

§ 3. It shall be at the option of the city attorney to dismiss a suit where the proofs are not sufficient to sustain the action; and it shall be his duty in all cases in which he is engaged on behalf of the city, to see

that full and equal justice be done, not only to the city but also to the other party.

§ 4. In no case shall a police magistrate assess a fine against any person having violated the city ordinances, without hearing the testimony in favor of the city, unless by and with the consent of the city attorney.

§ 5. The city attorney shall make a quarterly report to the city council, an abstract of his docket, and settle with the treasurer every quarter.

§ 6. The salary of the city attorney shall be one hundred and fifty dollars per annum, payable quarterly.

§ 7. It is hereby made the duty of the city attorney, at or before the opening of the polls for any city election, to visit the different polls, and to give to the judges and clerks at said polls such information and legal advice as they may call for or desire.

No. V.

Bonds—An ordinance in relation to the issuing of Bonds by the city of Belleville for the grading, macadamizing and planking the streets of said city.

Section 1. *Be it ordained by the city council of the city of Belleville*, That in pursuance of the power granted to said city by an act of the Legislature of the State of Illinois, entitled "An act granting additional power to the city of Belleville," approved February 10th, 1853, the mayor of said city shall cause to be issued two hundred bonds, of fifty dollars each, and twenty bonds, of five hundred dollars each, said bonds to be payable five years after date, with interest at the rate of seven per cent. per annum, the interest to be paid annually at Belleville or St. Louis, said bonds to be signed by the mayor of said city, with the seal of the city attached, and countersigned by the register; and that said mayor also issue coupons for the interest payable, as the same may become due, to be signed by him and countersigned by the register.

§ 2. The said bonds, or the proceeds thereof, to be used solely for the grading, macadamizing and planking the streets of said city.

§ 3. The mayor of said city is hereby authorized to sell for cash all of said bonds not used in paying for contracts for said improvements: *Provided*, that none of said bonds shall be sold for less than ninety cents to the dollar; and the mayor shall, immediately upon the receipt of the proceeds of any of said bonds, pay the same to the city treasurer, and take his receipt therefor.

Approved, May 23d, 1853.

No. VI.

Bonds—Ordinance in relation to the issuing of bonds for the purpose of recalling and withdrawing from circulation any of the matured bonds, for city indebtedness.

Section I. *Be it ordained by the city council of the city of Belleville,* That, in pursuance of the power granted to the city of Belleville, by an act of the legislature of the State of Illinois, entitled "An act granting a new charter to the city of Belleville, and to reduce the several acts incorporating said city into one act," in force February 18, 1859, the mayor and register of the city of Belleville are hereby authorized to renew any matured bonds to those who are legally entitled to them, said bonds to be of fifty dollars each, and to have three years to run from the date of issue, and to be accompanied by coupons for interest at the rate of ten per cent. per annum, payable semi-annually, and to be signed by the mayor and register, and both principal and interest shall be payable at the treasurer's office in the city of Belleville.

§ 2. This ordinance shall take effect, and be in force, from and after its passage.

Approved, October 1st, 1860.

No. VII.

Bonds—Ordinance relating to the issuing of bonds for the grading and macadamizing of the streets of Belleville.

Section 1. *Be it ordained by the city council of the city of Belleville,* That, in pursuance of the power granted to the city of Belleville by an act of the legislature of the State of Illinois, entitled "An act granting a new charter to the city of Belleville, and to reduce the several acts incorporating said city into one act," in force February 18, 1859, the mayor of said city is hereby authorized, whenever instructed by resolution of the city council, to issue bonds of fifty dollars each, said bonds to be payable five years after date of issue, with interest at the rate of ten per cent. per annum, the interest to be paid annually at the treasurer's office in Belleville, said bonds to be signed by the mayor of the city, with the seal of said city attached, and countersigned by the register, and that the mayor also issue coupons for the interest, payable as they may become due, to be signed by him and countersigned by the register.

§ 2. That the proceeds of said bonds be used solely for the grading and macadamizing of the streets of the city of Belleville.

§ 3. That none of said bonds be sold for less than par.

Approved, October 1st, 1860.

No. VIII.

Beggars—Ordinance relating to beggars.

SECTION 1. *Be it ordained by the city council of the city of Belleville*, That if any beggars, not residing within the city, shall solicit alms within said city, without permission of the mayor, the marshal shall notify such persons to leave the city limits; such beggars continuing to solicit alms after having been notified, shall be guilty of a misdemeanor, and fined in a sum not exceeding five dollars.

§ 2. Any person in good health, and able to work and maintain, by honest labor, who shall be found habitually strolling and begging for alms within the city of Belleville, may be considered a vagrant, and dealt with according to section 12, article I, ordinance 35.

No. IX.

Cemetery and Sexton—Ordinance relating to Cemetery and Sexton.

SECTION 1. *Be it ordained by the city council of the city of Belleville, as follows:* That hereafter the body of any deceased person may be buried within the lots in Walnut Hill cemetery owned by the city of Belleville, as hereinafter directed, and not otherwise: The body of the first white person therein buried shall be upon the corner of lot No. 544 in said cemetery, and other graves of white persons shall be continued in regular order on the front range of lots to the end of lot No. 518 and from thence returning to lot No. 544, and continuing along the first line of graves until the front range of lots are filled in the same regular order, and afterwards commencing at lot No. 491 and proceeding in a like regular order until all the lots owned by said city are filled.

§ 2. Negroes and mulattoes may be buried in said cemetery as follows, and not otherwise: The first body of such may be buried on the corner of lot No. 48, and thence to continue in regular order on a straight line to lot No. 54, and then continue on the back of the same in regular order.

§ 3. No person shall be permitted to bury in the Walnut Hill Cemetery without applying to the sexton, or his agent, assistant, deputy or his successor in office, or the authorized agents, under penalty of not less than three nor more than twenty-five dollars.

§ 4. It shall be the duty of the sexton to keep a register, in an appropriate book, of all persons who may be buried in the cemetery, giving, as near as possible, the name, age and sex, place of birth, place of residence, disease or manner of death; and he shall receive an annual salary of twenty-five dollars.

§ 5. Any person making application to the sexton to bury any dead in any division of the cemetery, shall furnish him with a statement of the name, age, sex, place of birth, residence, disease or cause of death of the person to be interred, whereupon the sexton shall issue a permit, upon the payment of the fees hereinafter prescribed, viz:

For a grave of three feet and under				$0 75
"	"	four	" "	1 00
"	"	over four feet		1 50

For disinterring a dead body the same fees as digging a grave of like dimensions; for disinterring a dead body and re-burying the same in some other part of the cemetery, the same fees as for digging two graves of like dimensions.

§ 6. The sexton shall be entitled to a fee of twenty-five cents for each permit, for registering age, sex, birth, death, residence and cause of death; to dig, or cause to be dug, all graves in the city division of the cemetery, and in private lots, where they make a request and pay the fees as provided in section five of this ordinance, and shall cause all graves in said cemetery to be dug at least four feet from the top of the ground, on a level at the top of the vault, and graves over five feet long shall not be less than four feet six inches from the top of ground to top of vault.

§ 7. The said sexton, or his assistant, shall be at the cemetery, or at some suitable place designated by them, that any person desiring to have a person buried may be able to find them, to present their application and get their permit to have a grave dug, and the body interred and the grave filled up at least eighteen inches above the level of the ground at the top.

§ 8. It shall be the duty of the sexton, or his agent, to preserve the fences, grounds and property in repair, to prevent trespasses on said cemetery, and to preserve, as far as possible, from being defaced, injured or destroyed, any tombstones, monuments, inclosures or other thing erected within said cemetery; to keep, or cause to be kept, the walks and alleys in the cemetery clear and free from brush, weeds or other incumbrances.

§ 9. The sexton, or his assistant or agent, shall make a written report signed by the sexton, every six months, which report shall be delivered to the city register, and by him presented to the city council for their approval. If the city council shall think that the sexton neglects his duty, they may remove him from office in the same manner as is provided for the removal of any city officer.

§ 10. The sexton, on resigning his office, or being removed from office, shall deliver to his successor, or to the city register, all books and papers,

register of names, and all property belonging to the city, under a penalty of not more than fifty dollars.

§ 11. Any person violating any of the provisions of this ordinance, in cases where there is no special penalty attached, shall be deemed guilty of misdemeanor, and, on conviction, be fined in any sum not less than three nor more than fifty dollars.

§ 12. Whoever shall hunt, discharge fire arms, or otherwise trespass upon any cemetery or burying ground situated within the city limits, or within two miles of the city, shall be subject to a fine of not exceeding five dollars.

§ 13. Whoever shall carry away or remove, or shall willfully, maliciously or negligently break, deface, destroy, or otherwise injure any monument, tombstone, tree, shrub or flower, railing, fence, or any other property, article or thing belonging to any cemetery within the city limits, or within two miles of the city, or placed or erected therein for ornament or otherwise, or shall trespass upon or maltreat any grave or lot, shall be subject to a penalty of not exceeding fifty dollars; and, in addition thereto, the expenses which may be incurred in repairing the injuries committed shall be added to the penalty, and included in the judgment, and paid over to the owner of the injured property.

No. X.

Census—Ordinance providing for taking the census of the city of Belleville.

Section 1. *Be it ordained by the city council of the city of Belleville*, The city assessor shall, every third year, take and make out an enumeration of the inhabitants of the city, and return the same to the city council at the same time when he returns the assessment list: *Provided*, That the city council may, by resolution, order a census to be taken at any other time or period.

§ 2. The census shall be taken in each ward separately, in a suitable book or books, properly ruled and headed, and shall show separately the number of males and females under six years of age, the number over six and under sixteen, the number over sixteen, and under twenty-one, the number over twenty-one and under fifty, and the number over fifty; also the number of male members capable of bearing arms, the block or lot on which they reside, the number of persons of foreign birth, and of colored persons. The census shall also show the number of buildings in each block, exclusive of out-buildings, and the number not situated on blocks, and the materials of such buildings, the number of manufactories and business houses of all kinds, the amount of capital invested in each, and the amount

of business done annually, and the number of persons or employees employed or engaged therein, the number of school houses, colleges, churches and other public buildings, and the estimated value of each; and such other statistics and information as the city council may direct.

§ 3. The assessor shall call at each dwelling, manufactory, or place of business, and inquire of the head or some member thereof, or person connected therewith who can inform him, and ascertain the facts herein required; but if no such person can be found, he shall list them from the best information he can obtain. He shall register the names of all heads of families, and of all persons not belonging to any family; and under the head of the family, all persons residing therein, whether as boarders or otherwise, so that they be residents of the city, shall be enumerated. He shall register, in a separate column, the names of all male persons of twenty-one years of age, and upwards, in each ward, marking the letter "C" opposite the names of colored persons.

§ 4. Each column shall be added up, and the amount carried forward, so as to show the total number or amount of each class, and the totals of each class shall be added up so as to show the totals of all classes.

§ 5. Any person who shall, when requested, refuse to give to the assessor, while he may be engaged in taking the census, any information within his knowledge in relation to any of the facts herein required, or shall knowingly give any false information in relation thereto, shall be subject to a penalty of five dollars.

No. XI.

City Council—An ordinance relating to the city council.

Section 1. *Be it ordained by the city council of the city of Belleville*, as follows: The city council shall be composed of the mayor and two aldermen from each ward, elected according to law.

§ 2. The stated meetings of the city council shall be held on the first Monday of every month, at the City Hall, or at such place within the limits of the city, and at such house as the city council may from time to time direct.

§ 3. Special meetings may be called at any time, when the interests of the city requires it, by the mayor or any two aldermen, by leaving written notices of the time and place of holding the same, at the residence of the members, or by notifying them personally. The service of such notice, either in writing or personally, is hereby made the duty of the city marshal.

§ 4. No business shall be transacted by the city council unless the mayor and four aldermen, or five aldermen without the mayor, be present. The city council in its proceedings shall be governed by the following

RULES.

First. The mayor or president shall take the chair at the hour appointed for the council to meet, and shall immediately call the members to order; and the president, at the instance of any two members present may order the attendance of absent members.

Second. The president shall have the right to decide all questions of order, subject to an appeal to the council.

Third. The president shall preserve decorum, and if any member transgresses the rules of the city council, the president shall, or any member may, call to order, in which case the member called to order shall immediately sit down and be silent, unless permitted to explain, and the council, if appealed to, shall decide the matter.

Fourth. Every member present, when a question is put, shall vote, unless interested, or the council shall, for special reasons, excuse him.

Fifth. Every motion or proposition shall, if the president or any member require it, be reduced to writing.

Sixth. When a motion is made and seconded, it shall be deemed to be in possession of the council, and shall be stated by the president, or being in writing shall be delivered to the clerk, endorsed by the president or clerk previous to debate.

Seventh. After a motion is stated by the president or read by the clerk, it may be withdrawn at any time before the decision or amendment, by the mover thereof.

Eighth. All questions to be put in form, "as many as are of opinion (as the case may be) say aye, contrary, no," and in doubtful cases, the president may direct, or any member may call for a division.

Ninth. When a question is before the council, no motion shall be received, unless to amend, to postpone, or commit the main question, to lay it on the table, for the previous question, or to adjourn.

Tenth. A motion to adjourn shall always be in order, unless the council is engaged in voting, and shall be decided without debating.

Eleventh. The previous question shall be put in these words: "Shall the main question be now put?" and until decided, shall preclude all debate or amendment of the main question.

Twelfth. Any member may call for a division of the question, when the same shall admit thereof.

Thirteenth. An ordinance, after commitment and report thereof, may be recommitted at any time previous to its final passage.

Fourteenth. The ayes and noes shall be taken and recorded upon any

question before the council, upon the call of any one member, but such call shall not preclude amendments before the main question is put.

Fifteenth. Any member shall have the liberty to dissent from and protest against any ordinance, resolution or order of the council.

Sixteenth. In filling blanks, the largest sum and longest time shall be put first.

Seventeenth. All committees shall be appointed by the president, unless otherwise directed by the council.

Eighteenth. At the stated meetings of the council, the journal of the preceding meeting shall be read, and the unfinished business appearing thereon shall be first disposed of in order, unless otherwise directed by the council.

Nineteenth. After the unfinished business is disposed of, reports from committees shall be called for; petitions and accounts shall then be read and acted upon; and then new business may be introduced.

Twentieth. When the council are called, the names of the members shall be called in the order of the wards they respectively represent.

Twenty-first. The following standing committees shall be appointed by the mayor, at the first meeting of the council, or as soon after as convenient: Committee on accounts; on assessors report; on gas light; on finance; on improvements; on judiciary; on license; on marshal's and collector's report; on police magistrate's report; register's and treasurer's report; on ordinances; on weigher and market master's reports; on streets and grades; on claims.

Twenty-second. No personalities or reflections, injurious to the feelings or harmony of the council, shall be tolerated, and the members indulging in any such personalities, shall be called to order by the president.

Twenty-third. No member shall vote when personally interested in the discussion of the question before the council; nor shall any member be security in any bond, note or obligation, given to the city, or have any part or interest in any contract for work given out by the city.

§ 5. In no suit in which the city of Belleville shall be a party, shall any member of the city council, or officer of this city, be entitled as against the city, to any witness fees, unless such fees shall have been collected from the defendant.

§ 6. No vote of the city council shall be reconsidered or rescinded at a special meeting, unless the meeting be called in whole or in part for that purpose, and the aldermen be notified, and unless at such special meeting there be present as large a number of aldermen as were present when the vote was taken.

§ 7. Neither the city council or mayor shall remit any fine or penalty

imposed upon any person for a violation of any laws or ordinances of said city, or release from confinement, unless two-thirds of all the aldermen elected shall vote for such release or remission; and unless the magistrate rendering the judgment, or the prosecuting city attorney shall recommend such release from confinement or remission of fines.

No. XII.

City limits—Ordinance relating to the city limits.

Section 1. *Be it ordained by the city council of the city of Belleville,* That the city of Belleville shall comprehend all that district of territory as follows: Extending one and a half miles from north to south, and one and one quarter miles from east to west, extending north, east and south three-quarters of a mile, from a line drawn through the center of Main and Illinois streets of the town (now city) of Belleville, as recorded, and west one-half mile from said centre line of Illinois street.

§ 2. The city of Belleville shall be divided into four wards, the boundaries of which shall be as follows: 1st. All that north-east part of the city of Belleville, bounded on the west by Illinois street, and on the south by Main street, shall constitute the first ward. 2d. All that north-west part of the city of Belleville, bounded on the east by Illinois street, and on the south by Main street, shall constitute the second ward. 3d. All that south-west part of the city of Belleville, bounded on the east by Illinois street, and on the north by Main street, shall constitute the third ward. 4th. All that south-east part of the city of Belleville, bounded on the west by Illinois street and on the north by Main street, shall constitute the fourth ward.

§ 3. Any tract of land adjoining the city of Belleville, which may be laid off into blocks or lots, and duly platted, according to law, and any tract of land adjoining the city, with the consent of the owner thereof shall and may be annexed to said city, and form a part thereof.

No. XIII.

City Surveyor—Ordinance relating to City Surveyor.

Section 1. *Be it ordained by the city council of the city of Belleville, as follows:* That there shall be appointed by the city council at the first regular meeting in each year, or as soon as convenient thereafter, a competent person, to be styled city surveyor, who shall have the sole power, under the control and direction of the city council, to survey within the city limits—to hold his office for one year, (unless sooner removed) and until his successor shall be appointed and qualified.

§ 2. It shall be the duty of said surveyor to make all surveys within the limits of the city that he may be called upon to make, either by himself or by a competent and authorized deputy, within a reasonable time after application made, and to establish corners by suitable stones, permanently placed in the ground, when requested; and also to assist the street inspector in giving the grade on any street, lane or alley, when called on so to do.

§ 3. Said surveyor may appoint one or more deputies, to assist him in his office. Each depnty shall take an oath similar to that taken by the principal, and the principal to be responsible for the acts of his deputy.

§ 4. It shall be the duty of said surveyor and deputy to supply themselves with suitable maps, charts and field notes of original surveys of lands, which they may be called on to survey, and all surveys shall be made to conform, as near as possible, to the original surveys of the lands and town lots, as laid out and recorded in the recorder's office of St. Clair county, Illinois.

§ 5. It shall also be the duty of said surveyor to provide himself with a well bound book, in which he shall carefully and legibly record and note down every survey made by him, describing, as near as practicable, the metes and bounds of the land surveyed, also the name of the person for whom made, and the date when made, and such record shall be subject to the inspection of every person who may think himself interested therein, and such record or a certified copy under the hand of said surveyor shall be admitted as evidence in any matter wherein the city is interested.

§ 6. He shall possess the same power, in making plats and surveys within the city as is given by law to county surveyors, and the like effect and validity shall be given to his acts and surveys made by him, as are or may be given by law to the acts, plats and surveys of the county surveyor. He shall, when required, superintend the construction of all public works ordered by the city, make out the plans and estimates thereof, and contract for the execution of the same. He shall also perform all surveying and engineering ordered by the city council, and shall, under their direction, establish the grades and boundaries of streets and alleys; but such plans, estimates and contracts, grades and boundaries, shall be first reported to the city council, and approved by them, or they shall not be valid.

§ 7. The said surveyor and deputy shall be entitled to such compensation, from each person or persons to whom they have rendered their services, as are allowed by the laws of the State of Illinois for similar services.

§ 8. It shall be the duty of said surveyor or deputy having any records

in his possession, mentioned in section 5, to deliver them up to his successor, when applied to for that purpose, and upon a failure to do so shall be liable to action on his bond.

APPROVED.

No. XIV.

City weigher and scales—Ordinance relating to city weigher and scales.

SECTION 1. *Be it ordained by the city council of the city of Belleville*, There shall be a weigher of hay and stone coal, and as many others as the city council may from time to time direct, in any public place within the corporate limits, authorized by said city council.

§ 2. It shall be the duty of each of these officers—

First.—To attend at the public scales, for which he is appointed, from sunrise to sunset of every day, (Sundays excepted,) and to weigh every load of hay, stone coal, or other thing which may be presented to be weighed, and to give the person presenting the same a certificate of the net weight thereof, after making a proper deduction for mud and wet.

Second.—To enter in suitable books, in tabular form, every load of hay, stone coal, or other thing weighed, designating the kind and weight thereof, and for whom weighed.

Third.—To receive from, and to receipt to, the register for all blank certificates which he may use.

Fourth.—To settle with the treasurer on the last Saturday of every quarter for all blank certificates, and all money received by him, and pay into the treasury all such money received by him as weigher.

Fifth.—And to perform such other duties in the measurement of wood, and otherwise as may be required of him by ordinance.

Sixth.—In consideration of large establishments using coal, which are considered a benefit for town, the mayor is hereby authorized, and shall have power, to make special contract with coal teams, reducing the present price of weighing, or other arrangements, with the consent and sanction of the city council at their next regular meeting.

§ 3. In weighing stone coal, the weigher shall compute eighty pounds avoirdupois to be a bushel, after making suitable deduction for slate, sulphur, and other foreign substances therein contained.

§ 4. Each weigher shall be entitled to demand and receive from the persons having weighing done the following rates, viz.: For every load of stone coal, not exceeding twenty bushels, ten cents; for all loads over twenty bushels, and not exceeding thirty-five bushels, fifteen cents; for all loads over thirty-five bushels, and not exceeding fifty-five bushels, twenty

cents; and for every load over fifty-five bushels, one-half cent. per bushel in addition to the foregoing rates. For each load of hay, or other things, twenty cents. For each horse, or neat cattle, ten cents; and other articles in proportion.

§ 5. No person shall buy or sell, or offer to sell, any hay or stone coal in this city, until the same shall have been weighed by one of the regularly appointed weighers of the city, or by a weigher of one of the scales within the city authorized by any ordinance of the city, and a certificate thereof given as herein required, under a penalty of five dollars for each load bought, sold, or offered for sale, with costs.

§ 6. Any person who shall have had any article weighed as aforesaid, and received a certificate of the weight thereof, who shall before selling the same diminish the weight thereof, or shall sell a part thereof, and afterwards sell, or offer to sell, the remainder as being of the quantity called for in the certificate, or shall change, alter, or in any manner change or permit to be changed, any certificate, shall forfeit and pay to the city for every offense from one to ten dollars, with costs of suit.

§ 7. When any person shall sell anything, which shall have been weighed as aforesaid, he shall deliver to the vendee the certificate received by him from the weigher.

§ 8. Each weigher shall weigh, when requested, any vehicle, and brand or mark thereon the number or weight thereof, and thereafter it shall not be necessary to reweigh the same; but when a vehicle upon which a load is weighed, shall not have been previously weighed, he shall state the fact upon the face of the certificate, and the person selling the load thereon shall, immediately after the sale thereof, cause the vehicle to be weighed and the net weight of the load ascertained. Whoever shall violate or fail to comply with this section shall be fined not exceeding five dollars, with costs of suit.

§ 9. Each weigher shall cause the accuracy of the scales under his charge to be tested by the inspector of weights and measures, whenever he may have reason to believe them inaccurate, and all the repairs of the same involving an expenditure shall be made by the weigher thereof with the approbation of the mayor.

§ 10. No person shall bring into this city for sale any stone coal, dust, or fine coal, unsuited for burning in ordinary coal grates, except under special contract for the sale thereof. If any person shall cause a load of stone coal to be weighed, and upon delivery thereof it shall be ascertained that there is contained in the load any coal dust or fine coal unsuited for burning in ordinary coal grates, the person selling, or offering to sell, the

same shall forfeit and pay not exceeding ten dollars, with costs, and also be required under a like penalty to remove the same without the city, forthwith.

§ 11. The term fine coal, as used in the preceding section, includes all coal broken into fragments less than two inches in diameter every way.

§ 12. No weigher of hay or stone coal, or any of his deputies, shall directly or indirectly, in person or by another, be engaged in the buying or selling of hay, or stone coal, or firewood, except so far as may be necessary for his own private use, under a penalty of not exceeding fifty dollars, with costs of suit.

ADOPTED.

No. XV.

Dogs—Ordinance concerning dogs.

SECTION 1. *Be it ordained by the city council of the city of Belleville, as follows:* Any householder in this city may keep a dog, or dogs, upon paying a tax of one dollar per year upon each dog, if he cause the same to be registered, put a collar on it, and have the collar marked and stamped, as hereinafter required: *Provided*, that no dog under six months of age shall be liable to be taxed.

§ 2. Every owner or possessor of a dog or dogs, shall cause the same to be registered in the office of the city register; before doing which he shall procure and put around the neck of each dog a collar at least one inch wide.

§ 3. The register shall make no registry of any dog, unless the provisions of the previous sections shall have been complied with, nor of any taxable dog, unless a collector's or marshal's receipt for the same be produced to him.

§ 4. At the time of registering any dog, the register shall stamp upon the collar thereof the letters "C. T. P.," and the year of the registry.

§ 5. For registering each dog and stamping the collar thereof, the person having the same done shall pay to the register a fee of fifteen cents.

§ 6. Whoever shall suffer to be and remain in or about the premises inhabited or occupied by him, any dog not registered or collared as aforesaid, shall forfeit and pay a sum not less than three nor more than ten dollars.

§ 7. The city marshal shall, on or before the first day of July of each and every year, give notice in the newspapers employed by the city, that during the months of July, August and September following, all dogs found running at large within the city, not registered and collared, as

aforesaid, shall be slain by the marshal or his deputies, appointed and authorized for that purpose; and he shall, when directed by the mayor, give a like notice, embracing any other specified time, within which the mayor may consider it advisable to enforce the slaying of dogs.

§ 8. The city marshal shall commission a sufficient number of persons as his special deputies, to be approved by the mayor, who shall, during the time specified in the notice aforesaid, slay any dog found running at large within this city not registered and collared as aforesaid.

§ 9. The marshal shall certify to the number of dogs slain, and shall accompany such certificate with his oath, that the same were slain; whereupon the slayer shall receive the sum of twenty-five cents for each dog slain.

§ 10. Any deputy appointed under this ordinance to slay any dogs, who shall slay in any manner or in any other way than is specified in this ordinance, shall forfeit and pay a fine of not exceeding twenty dollars.

§ 11. If any owner or possessor of a fierce or dangerous dog, permit the same to go at large in this city, to the danger or annoyance of the inhabitants, he shall forfeit and pay for the first offense, a sum not exceeding ten dollars, for the second not exceeding twenty dollars, and upon a third conviction not exceeding thirty dollars, and the city marshal shall cause the dog to be slain.

§ 12. If any owner or possessor of a female dog permit her to run at large while in heat, he shall forfeit and pay five dollars, and it shall be the duty of the marshal and his deputies to cause any female dog running at large at such time to be slain.

The word dog, wherever used in this ordinance, without qualification, is intended to mean a female as well as a male dog.

§ 14. No section of this ordinance shall be so construed, as to apply to any dog or dogs belonging to persons coming into the city from the country, without the intention of remaining in the city, or any dog or dogs, which may be passing through the city with its owner or possessor.

§ 15. To carry into effect the provisions of this act, the marshal shall give ten days' notice, by posting up hand-bills, in the most public places throughout the city, in both the German and English languages.

§ 16. Any person or persons who shall in any manner oppose, molest, threaten or disturb the city marshal or his deputies, who shall kill, or be about to kill, any dog or dogs as aforesaid, shall forfeit and pay to the city of Belleville a fine of not exceeding twenty dollars for each and every offense.

§ 17. The city marshal shall receive twenty per cent. of all collections made by himself in pursuance of this ordinance; and it shall be his duty,

and that of his deputies, to enter complaint before the police magistrates for all and any breaches of this ordinance.

APPROVED.

No. XVI.

Elections—Ordinance relating to elections.

§ 1. *Be it ordained by the city council of the city of Belleville, as follows:* That the regular elections in the city of Belleville for mayor, aldermen and city officers, shall be held on the third Monday in April annually, and all voting shall be done by ballot, and according to the regulations hereinafter described.

§ 2. At least ten days' public notice of the time and place of holding any general election, and five days' public notice of the time and place of holding a special election, shall be given by the city register, under order of the city council.

§ 3. There shall be appointed, annually, three judges of election, in each of the wards of this city, by the city council, to superintend all city elections for the year for which they are appointed, which judges shall have resided in this city at least one year next preceding their appointment.

§ 4. If any person so appointed annually by the city council, shall decline or refuse to serve, the city council if in session, shall appoint another or others, to serve instead; but if the city council shall not be in session, the mayor and aldermen of the ward, or any two of them, shall appoint the judge or judges to serve instead of the person or persons declining or neglecting to serve.

§ 5. If any judge appointed fail to be present, or if a vacancy be not filled, as before provided, at the opening of the polls, or being present any judge declines to serve, a majority of the legal voters, then and there present, may elect a qualified person to act as judge of that election.

§ 6. The judges at any election shall, before opening the polls, appoint two suitable persons to act as clerks of the election, who, together with the judges, shall take and subscribe an oath, faithfully and impartially to discharge their respective duties; and no officer of the city or candidate for an office, shall be judge or clerk of any election in this city.

§ 7. The city register shall provide a sufficient number of ballot boxes, at the expense of the city, for the several wards, each of which said boxes shall be furnished with a lock and key, and before any ballots shall be deposited therein, the same shall be publicly opened and exhibited, so that the judges and clerks may see that no ballot is in said box or boxes, after which the box shall be locked and the key delivered over to one of the

judges, and the same shall not again be opened during the same election, except in the manner and for the purposes herein provided, and an opening sufficiently large to admit a single folded ticket, shall be made in the lid of each box.

§ 8. The ballot voted by each voter shall be folded by the voter and delivered to one of the judges of election, who shall, if the judges are satisfied that the person offering the ballot is a legal voter, endorse on the back of the ballot or ticket offered the number corresponding with the vote on the poll book, without unfolding or opening the same in any manner, deposit the said ballot in the said ballot-box; *Provided*, That no ballot shall be received or counted, unless the same be written or printed on white paper, without any mark or figures thereon, intended to distinguish one ballot from another; and each clerk of election shall keep a poll list in which he shall enter the name of each voter voting at any election, in the order of voting, and each list shall be headed with the words "Names of voters."

§ 9 Every ticket so handed in at any election, shall contain the name of every candidate such voter intends voting for, either in writing or in print, designating the office to which he wishes each to be elected; and if more persons are designated for any office, than there are vacancies to fill, or officers to be elected, such part of ticket shall not be counted for either of them; but no vote shall be rejected for want of form, if the judges can determine to their satisfaction the person voted for, and the office which the voter intended such person to fill.

§ 10. No judge or clerk of any election shall examine, or permit any one to examine the ballot of any voter, handed in to be deposited in the ballot-box, before placing the same therein, or permitting any one but the voter handing the same in to one of the judges, to handle the same, or allow any person but one of the judges, to handle a ballot-box, under a penalty of not less than five, nor more than one hundred dollars.

§ 11. It shall be the duty of the city marshal, if in the opinion of the mayor it shall be deemed necessary, to deputize and station at each place of holding an election, a suitable person for the purpose of preserving order and decorum, and to enforce the lawful commands of the judges of election.

§ 12. The judges shall have power to preserve order at the polls, and to command the officer in attendance to arrest and take before the police magistrate any person who shall, by violent or turbulent conduct, or in any other manner, intefere with, hinder, obstruct, disturb or delay the judges or clerks in the discharge of their duties, or any voter in exercising the

privilege of voting: and, for any such offense, the offender shall forfeit and pay a sum to the city, not less than five or more than one hundred dollars: and any judge or clerk of such election, duly appointed and notified, who shall fail to attend and act at any election and to perform his duties, except for good reasons, or who shall conduct himself at such election in a riotous or disorderly manner, or who, in conducting the same, shall wilfully and corruptly violate the laws regulating elections, shall, for every such offense, forfeit and pay to the city a fine of not less than five nor more than one hundred dollars.

§ 13. Whoever shall, at any election, seize or attempt to seize a ballot-box or poll-book, with the purpose of carrying the same off by force, shall forfeit and pay to the city a sum of not less than one hundred dollars, nor more than five hundred dollars.

§ 14. If a ballot-box shall be seized and carried away at any election, so that the ballots therein contained cannot be counted, the whole election shall thereby be void, and a new election shall be ordered by the city council.

§ 15. The judges of election shall open the polls for the reception of votes at eight o'clock, A. M., and keep them open until six o'clock, P. M., at which time they shall be closed. At the close of the polls, the poll-book shall be signed by the judges, and attested by the clerks; the names therein contained shall be counted and the number set down at the foot of the poll-books. The judges shall, immediately upon the close of the polls, proceed to open the ballot-boxes, and call out the ballots, in the presence of any candidate, or the friends of any candidates, selected by them for that purpose, who may choose to be present, and ascertain the number of votes given to each candidate voted for, and shall continue the counting of the ballots, without intermission, until all are counted. All the ballots counted shall, after being read, be strung on a strong thread or twine, in the order in which they have been read, and shall then be carefully enveloped and sealed up by the judges, who shall direct the same to the register of the city, and shall be delivered, with the poll-books to said register, who shall carefully preserve said poll-books for six months, and at the expiration of that time shall destroy them; and in all cases of contested election, the parties contesting the same shall have the right to have the said package of ballots opened, and said ballots referred to by witnesses for the purpose of such contest: but said ballots shall only be so examined and referred to in the presence of the officer having the custody thereof.

§ 16. The judges shall make out a certified statement, to be attested

by the clerks, of the aggregate number of votes for each person voted for in the several wards of this city, which statement shall be sealed up and directed to the city register, and to him delivered as soon as possible after the votes are examined and counted.

§ 17. It shall be the duty of the city council to hold a special meeting within three days after the day on which any city election shall be held, at which meeting the register shall lay before the city council the certified returns aforesaid; whereupon the said city council, after an examination thereof, shall declare and enter upon their journal, the name of each person voted for, at full length, the office for which he is voted for, and the aggregate number of votes given to each person, and who are elected, setting forth the office to which he is elected.

§ 18. The city register shall, on the next day after the said special meeting of the city council, make out and deliver a certificate, under the seal of the city and signed by the mayor, to each person elected.

§ 19. Whenever it shall be ascertained that there is an equal number of votes given to two or more persons, for mayor or alderman, or any other officer in this city, made elective by the people, it shall be the duty of the city council at the special meeting aforesaid, to place in a box or some convenient place, as many ballots as there are persons having an equal number of votes, and on one only of which ballots shall be written the name or style of the office for which said persons were voted for, and some other words on each of the other ballots; and from which box or other convenient place, such persons, so having an equal number of votes, shall each draw one ballot, and the person drawing the ballot on which the name or style of the office is written, shall be the mayor, alderman or other officer elected; and in case any such person or persons are absent, or refuse to draw a ballot as aforesaid, if for an alderman or any other officer, other than mayor, then the mayor shall draw a ballot or ballots for such person or persons; and if for mayor, then any alderman designated by the city council shall draw the ballot or ballots for such candidate or candidates.

§ 20. Whenever the election of mayor, aldermen, or other city officer shall be contested, it shall be the duty of the person so contesting to notify the person having the certificate of election, and the mayor or register of the city in writing; and upon such notice being filed as aforesaid with the mayor or city register, it shall be the duty of the mayor to call a meeting of the city council within five days from the giving of such notice; at which meeting the city council shall examine all testimony under oath, which may be offered touching the case, and shall determine who is elected to the place contested; and whenever the election of mayor is

contested, the city council shall appoint one of the aldermen mayor *pro tem.*, to preside at any meeting holden for the purpose of taking testimony and determining such contest, and the mayor, or mayor *pro tem.*, as the case may be, may issue, under the seal of the city, process to procure the attendance of witnesses.

§ 21. In all elections in this city, the person receiving the greatest number of votes for any office, shall be declared by the city council duly elected.

§ 22. Every judge and clerk of any election shall receive the sum of one dollar per day for his services as such judge or clerk; and the poll-books of election shall be made out, with the necessary certificates, in blank by the city register, and delivered by him to one of the judges of election in each of the wards of the city.

§ 23. In case the office of mayor, of police magistrate, or of any alderman shall become vacant by reason of their removal from the city or ward, death, resignation, or by any other means whatever, it shall be the duty of the city council forthwith to order an election to fill the vacant office; and in case the office of any other city officer should become vacant by any means whatever, three months before the regular city elections, the city council shall forthwith order an election to fill said office; and in case that three months should not intervene between such vacancy and the regular city election, the city council may fill such vacancy by appointment until the regular election.

§ 24. The city elections shall, in all cases where there is no special provisions made by ordinance, be conducted, and the votes canvassed, so far as applicable, in conformity with the laws of the state of Illinois.

ADOPTED.

No. XVIII.

Fees and salaries—An ordinance relating to fees and salaries.

SECTION 1. *Be it ordained by the city council of the city of Belleville*, That the following fees and salaries shall be allowed to the officers of the city:

First.—The *mayor* shall receive a salary of three hundred dollars a year, payable quarterly.

Second.—Each alderman shall receive fifty dollars per year for his services; the allowance to be made quarterly upon the report of the register of the city.

Third.—The city attorney shall receive a salary of one hundred and fifty dollars a year, payable quarterly.

Fourth.—The street inspector shall receive a salary of four hundred and fifty dollars a year, payable quarterly.

Fifth.—The assessor shall receive a salary of two hundred dollars a year, payable when the assessment is finished, upon the order of the city council.

Sixth.—The register and treasurer shall receive a salary of—for the register's office, one hundred and fifty dollars, and for the treasurer's office, seventy-five dollars per year, payable quarterly. The register shall also be entitled to a fee of one dollar for issuing each license, and of fifty cents for taking each bond; both to be paid by the applicant.

Seventh.—The marshal shall receive a yearly salary of one hundred and twenty-five dollars, payable quarterly, and shall also receive a commission of five per centum on all fines and penalties collected by him for the city, a commission of two per cent. on all licenses collected by him, and such other fees as are allowed to constables by the laws of the State of Illinois.

Eighth.—Constables or other peace officers executing process of the police magistrates, or acting under the city ordinances, shall receive the fees allowed them by the State laws for like services, and also a commission of five per centum on all fines and penalties collected for the city.

Ninth.—The collector shall receive a commission of five per centum on all monies collected by him as taxes, and paid into the city treasury.

Tenth.—The market master shall receive fifty dollars per year.

Eleventh.—The city surveyor shall receive such fees and compensation as are allowed by State laws for similar services, or shall be fixed by ordinance.

Twelfth.—The city weigher shall receive such fees as shall be allowed by ordinance for his services.

§ 2. No person shall be an incompetent judge, justice, witness or juror, in any action or proceeding in which the city of Belleville may be a party in interest, by reason of his being an inhabitant or freeholder in said city, or by reason of his receiving a commission on the penalty which may be imposed, or by reason of his not receiving his fees or costs, in case said city should be unsuccessful in the prosecution of said action, or in the collection of the penalty or fine imposed upon the defendant.

§ 3. The police magistrates, and all other officers of the city, shall not be entitled to receive any costs or fees from the city, when, from any cause, the city shall be unsuccessful in the prosecution of any action, or should be unable to collect any fine and costs, or until the money has been collected by the officer authorized to collect the same.

No. XIX.

Fire Department—Ordinance relating to the Fire Department of the city of Belleville.

Section 1. *Be it ordained by the city council of the city of Belleville*, There shall be elected by the city council annually, an officer, who shall be denominated the chief engineer of the fire department, and who shall hold his office for one year, and until his successor shall be elected and qualified.

§ 2. It shall be the duty of the chief engineer to attend all fires, and when there to assume and take control over all the officers of the different engines and fire apparatus, and to direct where the different engines shall be stationed, and to give, through the officers of the different companies, any and all such orders as he shall deem necessary for the extinguishment of fires. He shall have power to require any person or persons, not attached to the fire department, to work in such places as he may direct, aiding to extinguish a fire, or in saving of property from destruction or loss.

§ 3. The said chief engineer shall have power to appoint an assistant, whose directions shall be obeyed as if emanating from said chief engineer himself; and any person or persons who shall refuse to obey the orders of the said chief engineer or assistant, when requested as aforesaid, shall, on conviction thereof, forfeit and pay a fine of not exceeding twenty dollars and costs of suit.

§ 4. There shall also be elected by the city council, a fire warden, who shall hold his office for one year, and until his successor shall be elected and qualified. It shall be the duty of said fire warden, in the first week of the months of October, December and February, in each and every year, and at such other times as the city council may order him, to examine the buildings, stores, barns, and out-houses, and see that the same are not exposed or endangered by any combustible materials; and it is hereby made the especial duty of the said fire warden to examine the stores, dwelling houses and other places, where fires are generally used, in the compact part of the city, and see that the fires, fire-places, grates, stoves and funnels, ovens, forges and other places used for the burning of fuel, or any other purpose, are in a proper and safe condition, so as not to endanger the buildings, lives or property situated near the same; and the said fire warden shall report to the city council once in each of the months above named, and oftener if required, the result of his examinations.

§ 5. The said fire warden, or in his absence the city marshal, are hereby authorized to enter any house or building, lot, yard or premises

within the corporate limits of the city of Belleville, between sunrise and sunset of any week day, for the purpose of examining any fire-places, hearths, chimnies, stove or stove pipes, ovens, boilers, kettles or other apparatus or fixtures which may be considered dangerous, in causing or promoting fires; and when any danger shall appear from any apparatus as aforesaid, of fire taking place, he shall, or any of them may, direct in writing, the owner, agent or occupant of any premises containing any danger, as aforesaid, to remove, alter or amend the same, in such manner, and within such time as he shall deem reasonable and just; and any person or persons who shall resist the entrance of the fire warden or city marshal, as aforesaid, or who shall neglect or refuse to attend to the directions given for altering, amending or removing any of the dangers as aforesaid, shall forfeit and pay for every offense a sum not exceeding twenty-five dollars and costs of suit, and a sum of not exceeding five dollars for each and every day he or they shall suffer or permit the same to remain unaltered, amended or removed, after reasonable time given as aforesaid, and costs of suit.

§ 6. It shall be the duty of the fire warden and the city marshal on any alarm of fire, to forthwith repair to the place where such fire may happen, for the preservation of the public peace, and the removal of all suspicious persons, or others not usefully employed in the extinguishment of the fires, or the preservation of property.

§ 7. It shall be the duty of the fire warden and city marshal, upon their own information, or when proper information is given to any one of them of any violation of this or of the next succeeding ordinance, to lodge complaint before any police magistrate of the city, for prosecution and punishment of the offender; and upon his neglect so to do, he shall be liable to a fine of not exceeding ten dollars for each neglect of duty, with costs of suit.

No. XX.

Fires—An ordinance relating to fires.

Section 1. *Be it ordained by the city council of the city of Belleville, as follows:* No person shall, within the city of Belleville, set up or use a stove, the top or any side of which shall be within two feet of any part of the wood-work of the wall, or partition of any building, without protecting such wood-work with a metallic covering, so as effectually to prevent the same from taking fire.

§ 2. In all cases where a stove-pipe projects or passes through the roof or wood-work of a building, the pipe shall be separated from such roof or

wood, at least six inches, by sheet-iron or other incombustible material, and shall project above or beyond the roof or wall of a wooden building, as the case may be, at least three feet.

§ 3. No person shall, in this city, discharge or set off any rockets or other pyrotechnic exhibition, without the written consent of the mayor, specifying the time and place, when and where the same may be done.

§ 4. No person shall, in this city, fire or set off any squib, cracker or other fire-works.

§ 5. Any person setting up any stove or furnace, in any building in this city, shall place the same on a platform of brick, sheet-iron or other incombustible substance, extending at least six inches in every direction beyond the part of the lower plate, which fronts the door of the stove or furnace.

§ 6. No person shall, within the limits of the city, stack or cause to be stacked, any hay, straw, corn-fodder or other combustible material, (wood and coal excepted,) nor keep the same within sheds, stables, barns, or other buildings not completely closed in, within sixty-five feet of any building where fire may be kept.

§ 7. No person shall build, make or kindle, or cause to be kindled any fire in any frame building, plank or any other temporary shed of lumber, or house made of lumber, without having a chimney, stove or vault, in which to build, make or kindle such fire.

§ 8. All persons building any chimneys or flues in, or to any houses, for the purpose of conducting smoke, shall plaster the inside with a thick and good coat of mortar.

§ 9. Whoever shall violate any of the provisions, contained in any of the above sections, shall forfeit and pay not less than one nor more than a hundred dollars.

§ 10. The city shall furnish fifty well made fire-buckets, to be kept at the engine house or other convenient place ready for use.

§ 11. The city council shall appoint from four to eight good men in each ward to act as guards over the different parts and streets of their respective wards during the prevalence of any fire in the city; and whenever the alarm of fire is raised, it is the duty of said guards diligently to watch the different places assigned to them.

§ 12. Any person who shall take away or remove without authority any of the hooks and ladders, buckets, hose, engine or other fire apparatus, the property of the city, individuals or companies, from the places where the same are generally kept, or who shall wantonly injure or destroy any of the said fire apparatus, shall be liable to a fine of not exceeding one hundred dollars.

§ 13. No owner or occupant of any livery stable, tavern stable or other stable in the city of Belleville, nor any person in their employ, shall be allowed to use in said stables any lighted candle, or other light, except the same shall be secured within a tin, horn, glass, or metal lantern, under a penalty of not exceeding five dollars for each and every offense, and costs of suit.

APPROVED.

No. XXI.

Gas Light and Coke Company—Ordinance relating to the Belleville Gas Light and Coke Company.

SECTION 1. *Be it ordained by the city council of the city of Belleville*, That the Belleville Gas Light and Coke Company are hereby authorized to make all necessary excavations in the streets, alleys, lanes, sidewalks and public grounds in the city of Belleville, for the laying of main and service pipes, drips, &c., in constructing gas works, for furnishing gas light to the city and inhabitants of Belleville—causing as little obstruction to the business and travel as possible, during the laying of said pipes, &c., and doing no permanent injury to said streets, alleys and sidewalks, &c., but leaving them in as good order as when they commenced their works.

§ 2. Any person or persons, making, or causing to be made, any excavation, or removing any pavement, curbstone or guttering, or otherwise damaging or doing injury to any street, alley, lane, avenue, pavement or gutter, within the city of Belleville, for the purpose of laying gas pipe, water pipe, or of setting lamp posts, or for any other purpose whatever, and not leaving the said street, alley, lane, avenue, pavement or gutter in as good, substantial, neat and permanent a manner as the same was before said excavation or removal, shall be deemed guilty of a misdemeanor, and, upon conviction, shall be fined in a sum of not less than ten dollars for each offense, and shall be subject to an additional fine of five dollars for each day said excavation or removal remains unrepaired.

§ 3. Any person or persons who shall willfully, or maliciously, or negligently, or by letting their team run away, injure, break or destroy any lamp post, lamp, pipe, or any of the fixtures of the gas works of the Belleville Gas Light and Coke Company, shall be fined in a sum not less than three, nor more than twenty-five dollars, and shall also pay the amount of the damage so done.

§ 4. Any person or persons who shall willfully or maliciously interfere with any lamp post, or lamp, belonging to the gas works, in the streets or public places, in the city of Belleville, by letting on the gas, or by shutting

off the gas, or by lighting the same, or by putting it out, shall be liable to a penalty of not less than three, nor more than twenty-five dollars for each and every offense.

APPROVED.

No. XXII.

Gas light and special tax—Ordinance relating to gas light and special tax.

SECTION 1. *Be it ordained by the city council of the city of Belleville*, That Main street, from the line between Belleville and West Belleville, to Oak street; Illinois street, from Washington street to Fifth (5th) South street; High street, from First North street to Fourth (4th) South street; Richland street, from First North to Third South street; Jackson street, from Main street to Second South street; Charles street, from Main street to First South street; First South street, from Shawneetown road to Charles street; Shawneetown road, from First South street to Second South street, shall compose the gas district, and shall be lighted with gas; the lamps to be lighted at early candle light, and to burn till twilight in the morning, except in clear moonlight nights.

§ 2. No lots or real estate fronting on any streets lighted by gas shall be assessed, as aforesaid, to a greater depth from such street than one hundred and sixty-five (165) feet, nor shall any such property on the corner of streets, having two fronts, be assessed more than once.

§ 3. The lots and real estate contained within the above described lines of boundary, shall constitute and be called a gas district, and the city council may hereafter, by resolution, add to and extend said gas district; and whenever the gas district shall have been extended, and other real estate added to the gas district above described, the same shall be subject to the same taxation and to all the other rules and regulations herein contained.

§ 4. It shall be the duty of the city council annually to levy a special tax on all real estate located within the limits of the gas district, in the same manner as general taxes are levied, assessed and collected, sufficient to defray one-half of the expenses of lighting the streets within the gas district.

§ 5. Whenever a reasonable number of the owners of lots or other real estate fronting on any street, shall petition the city council to add such street and property to the gas district, the council shall refer said petition to a committee, whose duty it shall be to examine into the expediency of granting said petition, with reference to the interest of the city and the gas company; and if said committee shall report in favor of said petitioners,

and the city council shall receive and approve of their report, then the street and property described in said petition shall be added to the gas district by resolution; and it shall be the duty of the city council annually to have assessed, levied and collected a special tax, as specified in section 4, and enter into a contract with the gas light and coke company, or their authorized agents, to light the new addition to the gas district, as specified in section 1: *Provided*, that if, in the opinion of the city council, the interests of the city would not be promoted by the lighting of a particular street, lane, avenue, road or alley, the same may be suspended: and, *Provided* also, that no street or property fronting thereon shall be added to the gas district, and charged with gas light tax, before the service pipe has been laid and lamp posts erected.

§ 6. It shall be the duty of the gas light and coke company to extend the main and service pipe, and to erect lamps and lamp posts, and to light and keep the lamps, posts and pipes in good repair, as may from time to time be required by the city council.

§ 7. It shall be the duty of the city register, whenever a special tax shall be assessed as above described, upon the real and personal estate in any lamp district petitioned for and added to the gas district, as in section 5, to rule appropriate columns in the assessor's book for general taxes, for the entry of a special tax, to be termed a street lamp tax, and the same shall be assessed by the assessor in the ordinary manner, and collected by the collector at the same time, and with the same powers and restrictions as the general taxes are now collected, or may from time to time be collected. It is also hereby made the duty of the register to keep separate and accurate accounts of all the expenditures and the monies collected herein by said special tax.

§ 8. If any awning, tree, sign post, board, or other obstruction of gas light, shall be suffered by the owner or occupant of any premises to grow, or remain in such manner as to obstruct the reflection of the public lamps, it shall be the duty of the street inspector, under the direction of the mayor or committee on gas light, to notify the owner or occupant of the premises forthwith to remove the same in manner to be specified. If any person or persons shall refuse or neglect to comply with such notice, they shall be subject to a penalty of five dollars for each refusal or neglect.

Approved.

No. XXIII.

Grade—Ordinance in relation to the grade of the city of Belleville, of sidewalks and streets.

Section 1. *Be it ordained by the city council of the city of Belleville*, That the grade as set and established in the year 1850 by the president and board of trustees of the town of Belleville, and as recorded and entered in the books and maps in the register's office, be and is hereby considered as the grade of the city of Belleville; that the street inspector and other agents of the city shall work according to the said grade; and that all persons, before they build, should consult the same to prevent injury or damage to their property.

§ 2. Whenever any street has been graded, macadamized or planked, under the authority of the city, it shall be the duty of the owners of the lots adjoining said street, within ninety days after the city has finished the improvements of said street, to pave, grade, or plank the side-walk in front of their respective lots; *Provided*, that in case the city council should have passed a special ordinance respecting the grading, paving or planking of such side-walks, then the said special ordinances shall govern and be followed.

§ 3. Whenever the city council shall by ordinance direct the owner or owners of any lots, to plank, pave or grade any side-walk within the city of Belleville, and the owner or owners of such lot or lots shall neglect or refuse to plank, pave or grade said side-walks within the time prescribed by the city council in said ordinance, the owner or owners so neglecting or refusing shall be liable to a fine of not exceeding twenty-five dollars, and for every week that he or they refuse or neglect to plank, pave or grade said side-walks after being once fined, to an additional fine of not exceeding ten dollars; *Provided*, that this ordinance shall not deprive the city of any other remedies given by ordinance in such case.

Adopted.

No. XXIV.

Gun powder and gun cotton—An ordinance relating to gun powder and gun cotton.

Section 1. *Be it ordained by the city council of the city of Belleville, as follows:* No person or persons who is or are not a retailer or retailers of gun powder or gun cotton, or explosive cotton, or engage in quarrying rock, shall keep, have, possess or store, at or in any one place, within the limits of the city of Belleville, any gunpowder, gun cotton, or explosive cotton, except in a quantity not exceeding one pound for his or their use.

§ 2. No retailer of gunpowder, gun cotton, or explosive cotton, or person engaged in quarrying rock, shall keep, have possess, or store at, or in any one place within the limits of the city, at any one time, more than one keg, or twenty-five pounds, of gunpowder, gun cotton, or explosive cotton.

§ 3. If an affidavit be made before the mayor, showing probable cause for the belief that any person keeps, has, possesses, or conceals any gunpowder, gun cotton or explosive cotton, in violation of this ordinance, he shall issue to the city marshal a search warrant, commanding him to search such suspected place named in the affidavit, in quest of such gunpowder, gun cotton, or explosive cotton, and which shall be forthwith rigidly executed.

§ 4. Whoever shall violate any provision of this ordinance shall be liable to a fine of not exceeding one hundred dollars.

ADOPTED.

No. XXV.

Hotels and Boarding Houses—Ordinance relating to Hotels and Boarding Houses.

Be it ordained by the city council of the city of Belleville, That all proprietors of hotels or boarding houses be required to keep a registry, and require of all persons sojourning with them to register their names, together with their places of residence and their destinations, and keep said registry open to the inspection of all city officers.

Any persons violating or not complying with the above ordinance shall be guilty of a misdemeanor, and fined accordingly.

ADOPTED.

No. XXVI.

Hogs—Ordinance to prevent hogs from running at large.

SECTION 1. *Be it ordained by the city council of the city of Belleville*, That any person or persons who shall own, or have in his or their possession, any hog or hogs, within the city limits, and shall permit or suffer such hog or hogs to run at large, in any street, alley, or open lot, or place within the city limits, shall be deemed guilty of a misdemeanor, and, on conviction, be fined accordingly.

§ 2. If any hog or hogs be found running at large, within the city, it shall be the duty of the city marshal to enter into a contract with some responsible person or persons, who shall have the marshal's authority, in writing, to catch said hog or hogs so running at large, and to feed and keep them confined in some lot or pen until the owner shall pay to the

marshal a fine of two dollars for every head, and all costs incurred by the city in impounding the same.

§ 3. If any hogs impounded, as aforesaid, shall not be claimed or taken away by the owner, it shall be the duty of the marshal to sell the same at the place where they are kept, to the highest bidder, on the first and third Saturday of every month, after having given two days' notice of the time and place of such sale.

§ 4. The marshal shall, after the sale of any hog or hogs, having first paid all the expenses of impounding, keeping, etc., pay all monies received by him, as aforesaid, at such sales, and for fines, to the city treasurer.

§ 5. The marshal shall receive fifty cents for every hog impounded, from the owner, and, in case of sale, he shall be entitled to one dollar for every hog sold by him, to be paid by the city.

APPROVED.

XXVII.

Infectious or contagious diseases—Ordinance in relation to infectious and contagious diseases.

SECTION 1. *Be it ordained by the city council of the city of Belleville.* All persons having small pox, varioloid, or other contagious or infectious diseases in the city, are hereby required to keep closely confined within their respective houses, or places of residence; the city marshal, upon due information of any such infectious or contagious disease existing, shall cause suitable notices, with the name or character of the disease printed or written in large letters thereon, to be posted up in two conspicuous places near the building, or place in which such contagious or infectious disease exists, and have such notices kept up during the prevalence of such disease. Any person failing to comply with the requirements of this section shall be liable to a fine of not exceeding one hundred dollars.

§ 2. If any person shall leave his or her place of abode, and be found going about the city after the small pox or varioloid eruption has made its appearance upon him or her, they shall forfeit and pay to the city a fine of not exceeding one hundred dollars.

§ 3. The mayor of the city, in connection with one alderman from each ward, shall constitute a board of health, which shall exercise a general supervision over the public health of the city, and shall make, from time to time, such sanitary regulations as they may deem expedient or necessary to promote or preserve the same, or to prevent the introduction or spreading of any contagious, malignant or pestilential disease.

§ 4. Any practicing physician who shall have any patient within the city of Belleville laboring under any contagious, infectious or pestilential disease shall forthwith make report thereof, in writing, to the mayor, describing the locality of the patient, so that he may be easily found, and, upon failure so to do, shall be liable to a penalty not exceeding twenty dollars.

No. XXVIII.

Licenses—Ordinance relating to licenses.

Section 1. *Be it ordained by the city council of the city of Belleville*, It shall not be lawful for any person or persons to exercise within the limits of the city of Belleville the business of an auctioneer, broker, pawnbroker, banker, dealer in exchange or money changer, hawker or peddler, insurance agent or broker, or to keep a beer house, coffee house, grocery, house of entertainment, drinking saloon, billiard table, nine or ten pin alley, shuffle board, bagatelle table, ordinary, or to run an omnibus, carriage, cart, wagon, dray or other vehicle in the city for hire, or to own, conduct, or manage for gain, a theatre or other exhibition, show or amusement, without having first obtained a license for such purpose.

§ 2. There shall be levied and collected for every license granted for one year, for any business or object hereinafter specified, the following sums:

First.—Upon a merchandise or real estate broker's license, twenty-five dollars.

Second.—Upon a banker's, money broker's, pawnbroker's or exchange dealer's license, one hundred dollars.

Third.—Upon an auctioneer's license, thirty-five dollars.

Fourth.—Upon a hawker's or peddler's license, as follows: for one year twenty-five dollars.

Hawkers' and peddlers' licenses may also be granted for periods less than a year, as follows:

For six months	$15 00
For three months	8 00
For one month	5 00
For one week	3 00

Fifth.—Upon a license to keep a billiard table, twenty-five dollars for each table.

Sixth.—Upon a license to keep a nine or ten pin alley, ten dollars.

Seventh.—Upon a license to keep a bagatelle table or pigeon holes, five dollars.

Eighth.—Upon a license to keep an ordinary, ten dollars.

Ninth.—Upon a license for a circus, menagerie or caravan, twenty-five dollars for each day's exhibition of the same.

Tenth.—For every equestrian exhibition, musical party, concert, exhibition of rope or wire dancing, puppets, wax-figures, paintings, statuary, tricks of legerdemain, pugilism, or any other exhibition, show or amusement, lecture or readings, delivered or exhibited for gain, four dollars for each day: *Provided*, That for lectures on art, science and literature, and for musical parties or concerts, and exhibitions of paintings or statuary, given or made by citizens of this city, and thespian performances for benevolent purposes, no license shall be required.

Eleventh.—Any person who may carry about the streets any hand-organ, or other musical instrument, for the purpose of performing thereon, either on any street, place, or in any house, for gain, shall pay a license of one dollar per day.

§ 3. It shall not be lawful for any person or persons to permit theatrical performances in his or their house, nor shall any person or persons conduct or manage a theatre, without first obtaining a license therefor. Upon such person or persons paying to the city register twenty-five dollars, and one dollar to the register for issuing the license, the license granted shall continue in force for one year from its date; but half yearly licenses may be granted for fifteen dollars, and quarterly licenses for eight dollars, under this section.

Omnibusses, Carriages, Wagons and Carts.

§ 4. The register may grant a license to any person or persons apply-for the same, to run any wagon, omnibus, cart or carriage, for the purpose of carrying freight or passengers within the limits of the city of Belleville, at the following rates:

For any two horse wagon, passenger omnibus or carriage for the term of one year..	$5 00
" " " " " six months ..	3 00
" " " " " three months..	2 00
For any one horse wagon, cart or dray, for the term of one year.....	3 00
" " " " " six months.....	2 00
" " " " " three months.....	1 50

Rates for hauling and carrying Passengers within the City Limits.

§ 5. All hacks, carriages, omnibusses, wagons and carts, which have obtained a city license according to ordinance, shall be allowed the following rates for hauling within the city limits:

First.—For each and every passenger carried to or from the railroad depot, to any part of the city, the sum of ten cents.

Second.—For each two horse wagon load of goods, wares or merchandise, to or from the railroad depot to any part of the city, or from any point in the city to any other place within the city limits, the sum of twenty-five cents.

Third.—For each and every one horse wagon load of goods, wares or merchandise, to or from the railroad depot to any part of the city, or from any point in the city to any other place within the city limits, the sum of twenty cents.

Fourth.—For each and every cart load of goods, wares or merchandise, to or from the railroad depot, or from any other point in the city to any other place within the city limits, the sum of fifteen cents.

Fifth.—Any person or persons refusing or neglecting to comply with the provisions of this section, shall be fined in a sum not exceeding five dollars for each offense or over charge.

License for sale of Intoxicating Liquors.

§ 6. All persons keeping a grocery, beer saloon, coffee house, or house of entertainment, wherein spiritous, vinous or mixed liquors, beer, ale, porter or any other malt liquors, cider, or any fluid containing alcohol, are sold in a less quantity than one gallon, shall be required to obtain therefor a license.

§ 7. Before a license shall be issued to any person to retail any liquors under the provisions of the above section, such person shall execute a bond to the city of Belleville in the sum of five hundred dollars, signed by at least two freeholders of the city as sureties, to be approved by the city council, and conditioned that the person to whom such license is granted, shall keep an orderly, well regulated house, and shall observe and obey all laws and ordinances now in force, or such as may hereafter be in force, regulating and governing retailers of liquors. Such bond shall be executed before the register, filed in his office, and laid before the city council for its approval; and any breach of its conditions may, in the discretion of the said council, work a forfeiture of the license of the person so offending.

§ 8. The city register is hereby authorized to issue a license to any person who desires to keep a grocery, beer saloon, coffee house, or house of entertainment, wherein spiritous, vinous or mixed liquors, beer, ale, porter, or any other malt liquors, cider, or any other fluid containing alcohol, are sold in a less quantity than one gallon, and who has entered into bond as above specified, upon such person paying said register seventy-five dollars for one year's license, or forty dollars for half a year's license; and in addition one dollar for issuing the license, and fifty cents for taking the bond.

§ 9. No license shall be granted for a longer period than one year, and all licenses shall be issued by the city register under the seal of the city, signed by the mayor and countersigned by the register, and shall, as near as may, be in the following form:

STATE OF ILLINOIS, }
CITY OF BELLEVILLE. }

I, —— ———, Mayor of the city of Belleville, to all who shall see these presents, greeting:

Know ye, that whereas — ——— on the — day of ——, A. D. 18—, paid to the Register of the city the sum of ——— dollars, being the tax imposed on ——— or ——— and otherwise complied with the city ordinance, in this behalf, therefore the said ——— is hereby authorized and empowered to ——— for the term of ———.

This — day of —, A. D. 18—.

Attest: *Mayor.*

[SEAL.] *Register.*

§ 10. No license shall be valid until signed and countersigned as aforesaid, nor shall any person be deemed licensed until a license shall be duly issued to him. Each license shall be dated the day of the issuing thereof, but if the applicant has been acting without license, then it shall be dated from the time he so commenced acting.

§ 11. All licenses granted shall be subject to all ordinances in relation to licenses which may be in force at the time of the issuing thereof, or which may be subsequently passed by the city council; and if any person licensed shall violate any provision of any ordinance in relation to his license, he may be proceeded against for any penalty imposed, and on conviction his license may be forfeited or revoked, in the discretion of the city council, or of the court, or magistrate, before whom the conviction took place.

§ 12. No license granted shall be assignable or transferable; nor shall any person be authorized to do business or act under such license, but the person to whom it is granted; nor shall any license authorize any person to act under it at more than one place at the same time, or at any other time than is therein specified. Whoever shall violate any provision of this section, shall be deemed to be acting without license, and shall be subject to the same penalty as is prescribed for acting without license.

§ 13. The register shall keep a license register, in which he shall enter the name of each person licensed, for what purpose licensed, the place of business, the date of the license, the amount paid, and the date of the expiration of the same, and shall report the same to the city council at

every regular monthly meeting. He may charge a fee of one dollar for every license issued, and fifty cents for every bond taken; both fees to be paid by the applicant for license.

§ 14. The city marshal shall enforce all ordinances in relation to licenses, and shall, from time to time, examine the license register, and prosecute all persons who may be acting without license, and shall collect from them the sum which may be taxed for their license, and which shall not have already been paid to the register. He shall be entitled to a commission of two per cent. from the amount collected for licenses, and his receipt shall be good to the extent and purport thereof; but no person shall be considered as licensed, until license shall be issued in due form, as required by ordinance.

§ 15. Whoever shall engage in any business or employment enumerated in this ordinance (No. XXVIII) without having first obtained license therefor—or whoever shall violate, or neglect, or refuse to conform to, and observe, the provisions of this ordinance, or any other of them—provided there is no specific penalty already assessed—shall be liable and subject to pay a fine of not exceeding one hundred dollars, to be sued for and recovered as in other cases of breach of city ordinances.

Licenses of groceries beyond, and within, half a mile of the city limits.

§ 16. All persons living beyond the limits of the city of Belleville, and within one-half mile of the limits of said city, who keeps a grocery, beer saloon, coffee house or house of entertainment, wherein spirituous, vinous or mixed liquors, beer, ale, porter, or any other malt liquors, cider, or any fluid containing alcohol, are sold in a less quantity than one gallon, shall be required to obtain a license therefor.

§ 17. The city register is hereby authorized to issue licenses for one year to the persons described in section sixteen, upon payment of the sum of fifty dollars—and for half a year, upon payment of the sum of thirty dollars, and the usual fees to the register: *Provided*, That the applicants shall first have given bond as prescribed in section seven of this ordinance, and provided, also, that sections sixteen and seventeen shall not apply to persons living in the town of West Belleville.

§ 18. Whoever shall violate, or neglect, or refuse to conform to and observe the provisions contained in sections sixteen and seventeen, shall be liable to a fine of not exceeding one hundred dollars, to be recovered as in other cases of breach of ordinances, and shall, also, be liable to have his license revoked and declared forfeited.

Licenses of non-resident or transient traders.

§ 19. No person or persons, not being a resident or residents of the city of Belleville, shall, within the city of Belleville, sell, barter or offer for sale, or expose to sale, any goods, wares, merchandize, boots, shoes, clothing, cigars, or lumber of any kind whatever, other than agricultural products of this or any other State, and articles manufactured in private families within the limits of said city, either by card, sample or other specimen, or by written, printed or trade list, or catalogue, whether such persons be the makers thereof or not, without first having obtained a license so to do; and such license shall be issued by the city register to only the person applying for the same, upon the payment of the sum of one hundred dollars, which license shall be for the term of one year, and no longer.

§ 20. Each person licensed as a trader, as aforesaid, shall give a bond with two good securities, in the sum of one thousand dollars, conditioned to guard the public against fraud or misrepresentation on the part of the trader.

§ 21. That from and after the passage of this ordinance no person, or persons, resident, or residents of this State, and of the city of Belleville, and licensed therein, shall suffer or permit any person, or persons, not a permanent resident, or residents, of this State, and of this city, and not in his or their regular service or employ, to sell any goods, wares, merchandize, boots, shoes, clothing, cigars or lumber, by sample, card or other specimen, or by written, printed or trade lists, under his or their firm or copartnership, or at the store, counting room or warehouse, in his or their occupation, or used as his or their place of business.

§ 22. The term of transient or non-resident trader shall be construed to mean any person not permanently transacting business within the city, and not having paid all city taxes upon his stock in trade, regularly and legally assessed and collected upon the stock in trade of permanent merchants or traders.

§ 23. Any person or persons offending against the provisions of this ordinance, upon conviction before a police magistrate, shall be adjudged to pay a fine of not exceeding one hundred dollars.

License of Insurance Agents.

§ 24. It shall not be lawful for any person or persons, in the city of Belleville, to exercise the business, trade or avocation of an agent for any insurance company or companies, in any way or manner whatever, either by taking or negotiating for insurance on life or property, or by aiding in

the effecting of an insurance on life or property, or to follow the business of an insurance broker, without first having obtained a license for that purpose; and no license shall be issued for a shorter time than one year, and for a sum of not less than twenty dollars for each and every company for which the applicant may act as agent.

§ 25. Any person violating any of the provisions contained in section twenty-four shall, on conviction, forfeit and pay not less than five nor more than one hundred dollars for every offense.

ADOPTED.

No. XXIX.

Marshal—Ordinance relating to the City Marshal.

SECTION 1. *Be it ordained by the city council of the city of Belleville, as follows:* It shall be the duty of the city marshal to execute all writs, or other process issued by the mayor or police magistrate; collect all fines, forfeitures and penalties, which may accrue to said city, not otherwise provided for by ordinance, and in performance of any duty not enjoined on him, by any ordinance or resolution of the city council, he shall be invested with such powers as are conferred upon constables by the laws of this State; to remove all nuisances in conformity with any ordinance or resolution of the city council; give to the mayor information of the breach of the ordinances of the city that may come to his knowledge; and generally to do and perform all duties which may be enjoined on him by ordinance or resolution of the city council.

§ 2. The marshal shall be the acting head of the police; he shall cause the public peace and quiet to be preserved, and shall see that all the laws and ordinances of the city of Belleville are enforced and complied with; and whenever any violation of said ordinances shall come to his knowledge, whether by personal observation or by information of others, he shall make the requisite complaint, or cause it to be made, before the police magistrate, and prosecute the offender and attend to the procuring the evidence for the city: *Provided*, That if the marshal shall have any doubts as to there being sufficient grounds for the complaint, he may require the informant to make the necessary statement under oath to the police magistrate before instituting suit; and, *Provided, also*, that the marshal in performance of these duties, shall be considered as acting immediately under the mayor of the city, and as subject to his directions.

§ 3. The marshal shall attend all suits before the police magistrate in which the city is a party on behalf of the city, and if necessary call in the city attorney, to direct the prosecution of the offender.

§ 4. The marshal shall also, by himself or deputy, attend all meetings of the city council, shall notify each alderman of any special meeting which may be called, keep the key of the rooms of the city council, and keep them in proper order and condition for the meetings and other business of the council and mayor.

APPROVED.

No. XXX.

Market—Ordinance relating to Market and Market Master.

SECTION 1. *Be it ordained by the city council of the city of Belleville*, That the market house, or public square, or any other square which the city council may buy for a market square, and the necessary space around it, shall be considered the market place, and any person who shall sell or offer for sale, except in the market place aforesaid, any fresh beef or pork, veal, lamb or mutton, in less quantity than one quarter, or that shall sell any poultry or vegetables, or butter, or any other article, between daylight and nine o'clock A. M. in the months of April, May, June, July, August, September, October and November, shall forfeit and pay to the city not less than one dollar, nor more than ten dollars, with costs of suit: *Provided*, that nothing in the preceding section shall be so construed as to prevent any farmer or producer from selling his meat by the quarter, or any person who follows the business of packing beef or pork, from selling bacon of their own curing, spare ribs, sausage meat, and other offal in the winter months at any time out of market.

§ 2. The market master shall have the direction and management of the market house and market place, shall direct the location of wagons and vehicles used in bringing articles to market, shall preserve order and peace therein, suppress quarreling and fighting, enforce the regulations, give to persons attending the necessary information, if required, and keep the market clean and neat.

§ 3. No person shall tie or hitch any animal to any part of the market house, at any time, or at any time ride or drive, or lead any animal into or under the market house, or the pavement connected therewith, or injure, cut, deface, or in any wise befoul the market house, or be found lying in the market house on any bench, block or table, or remove any block, bench or table, or any other fixtures in said market house from its place, or intentionally obstruct, hinder, abuse, or threaten the market master, when in the discharge of his duty; or suffer or permit any dog to follow him or her to market, during market hours, or otherwise obstruct with any thing whatever, a free passage through the market house; or throw any melon

rinds or other garbage, offal, dirt, filth, or animal matter in the same, under a penalty of from one to twenty-five dollars.

§ 4. All measures, scales and weights used in said market, shall be sealed and tested by the scale of weights and measures of this city, as soon as practicable, and meat sold in market shall be weighed with scales and weights; corn, meal, hominy, oats, potatoes, turnips, carrots, apples, peaches and other vegetables of the same class, shall be sold by pint, quart, gallon, peck, half peck or half bushel, and shall be heaped; other articles sold by measure, may be sold by strike measure; butter sold or offered for sale in market, shall be put up in half pound, one pound, two or three pound rolls, and butter sold or offered for sale in market not of full weight, may be confiscated by the market master and sold for the use of the city.

§ 5. If any person selling any meat, victuals or provisions in said market, shall sell to any other person any article generally sold by weight or measure, by false weight or false measure, or shall expose to sale, as having been correctly weighed or measured, any such article, and as being of a certain weight and measure, when in truth and in fact the same shall fall short thereof, such article may be confiscated by the market master, and sold for the use of the city; and every person so offending shall be liable to a fine of not more than ten dollars for every such offense.

§ 6. No person shall, by himself, agent or servant, sell or cut in pieces, for the purpose of selling, any fresh meat, excepting fresh venison, poultry, fish or wild game, in any quantity less than a quarter, in the city, without first having obtained a license, as hereinafter provided, under a penalty of not exceeding ten dollars for each offense: *Provided*, that persons who follow the business of packing beef or pork, may sell spare ribs, sausage meat, or other offal at any time.

§ 7. Any person wishing to become a butcher or vendor of fresh meat in the city shall obtain a license from the city register, by paying the sum of thirty dollars; and all persons having obtained a license, as aforesaid, shall be entitled to occupy a stall in the market house, which shall be selected for him by the market master, if said license shall have been granted after the annual sale of the stalls in the market house shall have taken place.

§ 8. It shall be the duty of the market master to sell on the first Monday of April in each year, between the hours of ten o'clock A. M. and four o'clock P. M., the choice of the stalls in the market house, having first given ten days' notice in the newspapers employed by the city; and the lowest bid to be received by the market master from any licensed butcher shall be thirty dollars, the amount of his license.

§ 9. The market master shall give to each purchaser of a stall a certificate of purchase for one year, describing said stall by its number or name; but in no case shall a certificate be given, or possession of a stall be delivered, until the amount bid shall have been paid to the market master: *Provided*, however, that the amount paid to the city by any butcher for his license shall always be deducted from the amount bid for his stall.

§ 10. All the stalls or stands, in or about the market house, remaining unoccupied after the annual sale, may be leased at any time by the market master, to any person wishing to attend market, for the purpose of selling vegetables, fish or other marketing, for any sum not under three dollars.

§ 11. The register shall be entitled to a fee of one dollar for each license issued to a butcher, and the market master to a fee of fifty cents for each stall or stand sold or leased by him, and a permit issued therefor, all to be paid by the applicant. If any lessee of a stall or stand shall fail to pay the amount of his rent, his lease may be considered as forfeited, and the stall or stand be again leased to any other person by the market master on such terms and in such manner as he shall judge to the interest of the city.

§ 12. It is further the duty of the market master to protect the blocks, tables, benches and fixtures of those owning stalls or stands from being injured, or being occupied by others than their owners; to pay over at least once every week to the treasurer the monies received for stalls, stands or otherwise, and also to make a report of the same to the city council at each regular monthly meeting.

§ 13. The market master shall, *ex officio*, be inspector and sealer of weights and measures; shall, before entering upon the duties of his office, take the official oath; shall give bond in the penalty of five hundred dollars, conditioned for a faithful discharge of his duties, and the payment of all monies due the city, with security, to be approved by the city council; and for any violation of any section of this ordinance, or official misconduct, shall be liable to a fine of not exceeding fifty dollars.

§ 14. Whoever shall buy at market, before nine o'clock A. M., meat, fish, vegetables, or any other market matters, for the purpose of disposing of them again at market, shall be guilty of a misdemeanor, and, on conviction, be fined in a sum not exceeding five dollars for each offense.

APPROVED.

No. XXXI.

Nuisances—Ordinance relating to Nuisances.

Section 1. *Be it ordained by the City Council of the City of Belleville, as follows:* Each and every tenement in this city, used as a drinking house, hotel, tavern, or place of business, shall be furnished with a suitable privy, the vault of which shall be sunk under ground at least five feet deep, and walled with brick or stone, and shall be so constructed, that the inside of the same shall be at least two feet distance from the line of every adjoining lot, unless the owner of the adjoining lot shall agree otherwise, and also the same distance from every street, lane or avenue.

§ 2. The marshal, upon being notified that any tenement so used, is not provided with a suitable privy, shall give notice in writing to the owner or his agent to provide a privy as above required, and if the owner, or agent shall not comply with the above ordinance within twenty days, the marshal shall proceed against said owner or agent, as directed in other cases for violations of city ordinances.

§ 3. If the owner or his agent of any tenement, which is not provided with a privy, as above required, cannot be found, the marshal shall give notice in some newspaper employed by the city, requiring such owner or agent, within a reasonable time to be designated in said notice, to cause a proper and sufficient privy to be constructed; and, in case of neglect or refusal to obey such notice, the marshal shall cause such privy to be made, and charged as special tax upon such tenement, to be levied and collected as other special taxes.

§ 4. Any person who shall throw or cause to flow, any water, slop, dirt, fluid or filth of any kind, on any sidewalk, street, alley, or any premises whatever, or into any stream of water within the city limits, by which a nuisance is created, shall be fined not exceeding twenty-five dollars; and for every day after being notified by the marshal, or other city officer, to remove the nuisance thereby created, an additional fine of not exceeding five dollars.

§ 5. Any person who shall keep or allow to remain upon his premises, within the city limits, any nuisance, such as carrion, stagnated water, a hog-pen, privy, or any other thing, which may be injurious to the health of, or offensive to the neighborhood, or by which an offensive smell may be created; and any person who shall, in carrying on his business, endanger the health of the neighborhood, or create an offensive smell, shall be fined not exceeding twenty-five dollars, and for every day after being notified by the marshal, or other city officer, to remove the nuisance thereby created, an additional fine of not exceeding five dollars.

§ 6. No person shall throw into any highway, thoroughfare or other public place, any animal or vegetable substance whatever, or any straw, hay, ashes, soot, or any article or substance whatever.

§ 7. No person shall conduct into any highway, thoroughfare, or other public place or premises of another, any filth or unclean water from his house, kitchen or other tenement, or suffer any such water to escape from his premises upon such place.

§ 8. The owner or possessor of any animal which may die within the city, shall within twenty-four hours thereafter, cause the carcass to be removed at least half a mile beyond the limits of the city.

§ 9. No person shall deposit any dead animal, excrement or filth from privies, or carrion, within one-half mile of the city limits.

§ 10. The owner or occupant of any livery or other stable within this city, shall keep his stable and stable-yard clean, and shall not permit more than five cart loads of manure to accumulate, and remain in or near the same, at any time, between the first day of May and the first day of October; nor shall he wash or clean any carriage or horse, or cause it to be washed or cleansed, on any street or sidewalk, or other public place, nor suffer any water used in washing horses or carriages to flow over and spread on any sidewalk.

§ 11. No butcher or other person shall kill or slaughter any beeves, sheep or other animals, within this city, unless the house, yard, pen or place where such killing shall take place, be provided with a tight plank floor, one side of which shall descend towards a gutter, leading to a tub or reservoir, which shall be placed to receive the blood and offal passing therein, which shall be emptied and conveyed out of the city at the end of each day, when killing has been done on the premises.

§ 12. Every slaughter-house shall be white-washed at least twice in each year, and shall always be kept clean, so as to annoy no one in the vicinity.

§ 13. No distiller, brewer, soap-boiler, tallow-chandler, or dyer, in this city, shall himself, or by another, out of, or from, any still-house, brewery, or work-shop, pour foul or nauseous liquor of any kind whatever, into or upon any adjacent ground, or into any street, alley, or other public place.

§ 14. No soap-boiler or tallow-chandler shall keep, collect or use, or cause to be kept, collected or used, in the city, any stale, putrid or stinking fat, grease, or other matter.

§ 15. The marshal, or such other officers or agents as may be designated or employed by the board of health for that purpose, are authorized to enter and examine all premises, cellars and other places within the city.

If they find any offensive substance, or stagnant or filthy water, to cause the same to be removed at the expense of the owner or occupiers of the premises, unless such owner or occupier upon notice, immediately cause the same to be removed.

§ 16. No person shall bury or cause to be buried, the body of any deceased person within the limits of the city.

§ 17. No person shall collect or keep any hog or hogs in a pen, or otherwise confine any hog or hogs in this city, so as to be offensive or an annoyance to any person.

§ 18. Whoever shall violate any of the provisions of this ordinance, in cases where no specific penalty is provided, shall be subject to a fine of not less than three nor more than one hundred dollars for each and every violation, and not exceeding twenty dollars in addition for each and every day that such violation shall be suffered or continued.

§ 19. The mayor and one alderman from each ward shall be, and are hereby constituted, a board of health, and it shall be their duty diligently to examine into the condition of the various wards of the city, and make thorough inquiry with respect to all cases which may be obnoxious or prejudicial to the health of the inhabitants of said city, or any portion thereof; and all such cases are hereby declared nuisances, and the mayor shall order the removal of the same by giving reasonable notice; and any person or persons causing such nuisance, or upon whose premises, whether as owner or occupier, such nuisance shall exist, shall, in obedience to the notification of the mayor, remove the same, and for every refusal or neglect so to do, shall pay and forfeit to the city a sum not exceeding twenty-five dollars.

§ 20. If the owner or owners of any building or lot within the limits of the city of Belleville, which shall need any cleaning, altering or amending, so as to remove whatever may be injurious to the general health of the city, shall not reside in the county of St. Clair, the same may be done by the said city, and the expenses thereof collected from said owner or owners by suit or otherwise, by proceeding against the lot as in case of special tax.

§ 21. If any person shall be notified by the proper officer, or by any member of the board of health, to remove any nuisance from his or her lot, or the lot on which he or she may reside, or of which he or she shall be agent, and said owner, occupier or agent shall fail forthwith to remove and correct the same, it shall be the duty of the mayor to remove or correct the same; and the sum of money expended by the city as aforesaid, in removing or correcting such nuisance, may be recovered from the owner or occupier of such lot, from which such nuisance is removed, as a fine in

an action of debt, or otherwise by proceeding against the lot as in case of special tax.

§ 22. If any cellar in this city shall at any time contain any standing water, the same shall be, and is hereby declared to be, a nuisance, and the owner or occupier thereof shall forthwith, upon notice given by the proper officer, proceed to fill up or drain such cellar so as to effectually remove such nuisance; and in default thereof, it shall be the duty of the mayor to have such cellar filled without delay; and the amount so expended shall become a lien upon the lot, and may be collected as in case of grading and filling lots under the ordinances of this city, or may be recovered of the owner or occupier of the lot in an action of debt.

§ 23. If any person shall place, or caused to be placed, or erected, any nuisance or obstruction whatever, on any public ground, or in any public street, road, alley or sidewalk in the city of Belleville, he shall be fined not exceeding ten dollars, and for every day such obstruction or nuisance is continued after notice to the person or persons making the same by the marshal or street inspector to remove the same, an additional fine of not exceeding five dollars; *Provided*, That any person engaged in erecting a building or fence, or improving any lot on any such street, lane, avenue or alley, or public ground, may deposit materials therein, and contiguous to such lot for such length of time as may be necessary for such erection and improvement; and *Provided, further*, that such obstruction shall not extend to more than one-half the width of the sidewalk or street, or alley adjacent to such improvement, the gutter always being left free and unobstructed.

APPROVED.

No. XXXII.

Nuisances beyond the city limits—Ordinance relating to nuisances within a half mile of the city limits.

SECTION 1. *Be it ordained by the city council of the city of Belleville:* Any person who shall deposit, or cause to be deposited by his servant, the carcase of any dead animal, offal, excrement from privies, carrion, decomposed vegetable matter, or any other thing on any premises beyond the city limits, and within half a mile of the limits of the city of Belleville, by which a nuisance is created, shall be fined a sum not exceeding twenty-five dollars.

§ 2. Any person who shall throw or cause to flow, any water, slops, dirt, fluid or filth of any kind on any lot or premises whatever, or into Richland creek, or any other stream or water course beyond the city

limits, and within a half mile from the same, by which a nuisance is created, shall be fined not exceeding twenty-five dollars; and for every day after being notified by the city marshal, or any other city officer, to remove the nuisance thereby created, an additional fine of not exceeding five dollars.

§ 3. Any person who shall keep, or allow to remain upon his premises, beyond the limits of the city of Belleville, and within half a mile of the same, any nuisance, such as carrion, stagnated water, a hog pen, privy, or any other thing, which may be injurious to the health of, or offensive to the neighborhood, or by which an offensive smell may be created; and any person who shall in carrying on his business beyond the limits of the city of Belleville, and within half a mile of the same, endanger the health of the neighborhood, or create an offensive smell, shall be fined not exceeding twenty-five dollars, and for every day after being notified by the marshal, or other city officer, to remove the nuisance thereby created, an additional fine of not exceeding five dollars.

APPROVED.

No. XXXIII.

Officers—Ordinance relating to city officers.

SECTION 1. *Be it ordained by the city council of the city of Belleville:* No officer of the city of Belleville shall be allowed to keep or withhold any money collected by him, or that may come into his hands by virtue of his office, or otherwise, for the payment of any salary, claim or account which may be due and owing to him by the city: *Provided*, This shall not apply to the costs and fees in the courts, commissions on collections and fees allowed for weighing. Every person elected or appointed to an office under the charter or the ordinances of the city of Belleville, shall be a citizen of the State of Illinois, over twenty-one years of age, and shall have resided in the city of Belleville at least one year next preceding his appointment or election; and no person elected or appointed to an office of the city of Belleville, shall enter upon the duties of the said office until duly qualified and commissioned as hereinafter provided.

§ 2. Every person so elected or appointed shall, before being commissioned, give a sufficient bond to the city, and take and subscribe an oath before a proper officer, that he will support the constitution of the United States and of this State, and the charter and ordinances of this city, and faithfully and promptly discharge the duties of the office to which he is elected or appointed; which oath shall be filed with the city register.

§ 3. Official bonds shall be made to the city of Belleville, and shall be conditioned for the payment of all money received and the faithful performance by the officer of all duties required of him by law or ordinance; and all officers of the city, except the mayor and aldermen, shall be required to execute bonds with sufficient security, which shall be approved by the city council and filed with the city register.

§ 4. Upon said oath and bond being filed with the register as aforesaid, he shall deliver to the person elected or appointed, a commission in the name of, and signed by the mayor and countersigned by the register, under the seal of the city, authorizing and empowering such person to discharge the duties of the office, for the term for which he has been elected or appointed, and until his successor shall have been duly qualified.

§ 5. On the first Monday in May, in each year, or as soon thereafter as may be, the city council shall appoint one register and treasurer; one city marshal and collector; one city attorney; one city assessor; one city surveyor and engineer; one city weigher and market master; one street inspector; one sexton, who shall hold their offices for one year, and until their successors shall be duly qualified.

§ 6. The city marshal and collector, weigher and market master, sexton, assessor, surveyor, engineer and street inspector may, with the consent of the city council, appoint one or more deputies, who shall possess the qualifications of their respective principals; such appointments shall be in writing, and filed with the register, and shall be revocable at the pleasure of the principal; and the principal shall be liable for the acts of his deputy as if they were his own.

§ 7. If a vacancy occur in any office filled by appointment of the city council, it shall be the duty of the mayor immediately to call a special meeting of the city council, for the purpose of filling said vacancy by appointing a successor, who shall hold the office for the unexpired term of his predecessor.

§ 8. Any officer of this city who shall leave the same with the intention of residing thereout, or to be absent therefrom, without written permission from the mayor, shall thereby vacate his office.

§ 9. Any officer desiring to be temporarily absent from the city, shall apply to the mayor for leave of absence, which may, in the discretion of the mayor, be granted in writing for any time not exceeding twenty days; and when granted, shall be filed with the register; and any officer who shall be absent from the city more than three days without such leave shall forfeit and pay not less than one nor more than one hundred dollars.

§ 10. Every officer shall, upon going out of office, deliver to his suc-

sessor all books, papers, furniture and other things, appertaining to his office.

§ 11. Every officer shall at all times when required, submit the books and papers of his office to the inspection of the mayor or any member of the city council.

§ 12. Any officer of this city who shall refuse or willfully fail or neglect to perform any duty enjoined upon him by law or ordinance, or shall in the discharge of his official duties, be guilty of any fraud, extortion, oppression, favoritism, partiality, or willful wrong or injustice, shall forfeit and pay a sum not exceeding five hundred dollars, and may be removed from office.

§ 13. The mayor shall have power to suspend from office any officer who shall wilfully violate any of his official obligations.

§ 14. Such suspension shall be effected by an order filed by the mayor with the register, accompanied with a statement of the charges upon which the same is founded, a copy of which order and charges shall be immediately delivered to the officer suspended, after which delivery such officer shall not exercise any of the duties of the office from which he shall have been suspended, under a penalty of not exceeding fifty dollars.

§ 15. Immediately upon the suspension of an officer, the mayor may, if necessary, appoint a person to fill the office for the time being.

§ 16. The charges preferred as aforesaid the mayor shall lay before the next meeting of the city council, and the city council shall without delay, proceed to investigate such charges in the manner hereinafter provided. The city council shall set a day, and if upon hearing the evidence against and for the accused, a majority shall find him guilty of the charges, and shall resolve that he be removed from office, it shall be so entered on record, and the vacancy shall be filled as directed by ordinance in other cases.

§ 17. All fines, forfeitures and sums of money collected for penalties incurred within the incorporated limits of the city of Belleville, shall be paid into the treasury of the city; and the officers of the city or of the county of St. Clair collecting such fines, shall make a true and correct report of all such fines collected by them to the city council at the end of every quarter in the year. Any officer or person who shall fail to comply with the requisitions of this section shall be subject to a fine of not less than five nor more than one hundred dollars.

§ 18. No city officer shall be a party in, or be interested in, or have any part, either directly or indirectly, in any contract with the city, or with any person or persons for excavating, repairing, grading, macadamizing, gutter-

ing, paving or other work, wherein the city is or may be interested or liable to become a party to or with the person or persons, or different kinds of work above mentioned. Any city officer who shall violate the provisions of this section, shall be liable to a fine of not less than twenty-five, nor more than one hundred dollars for each offense, and may also be removed from office at the discretion of a majority of the city council.

APPROVED.

No. XXXIV.

Penal offenses and misdemeanors—Ordinance relating to penal offenses and misdemeanors.

ARTICLE I.

Offenses affecting public order, peace and quiet.

SECTION 1. *Be it ordained by the city council of the city of Belleville, as follows:* Any two or more persons who shall in this city assemble together with an intent, or being assembled, shall mutually agree to do any unlawful act, with force or violence, against the property of this city, or the person or the property of another, or against the peace, or to the terror of others, and shall make any movement or preparation therefor; and every person present at such meeting or assembly, who shall not endeavor to prevent the commission or perpetration of such unlawful act, shall be deemed guilty of a misdemeanor.

§ 2. Whoever shall in this city disturb the peace of said city by violent, tumultuous, offensive or obstreperous conduct or carriage, or by loud and unusual noises, or by unseemly, profane, obscene or offensive language, calculated to provoke a breach of the peace, or by assaulting, striking or fighting another, with or without his consent, and whoever shall in this city permit any such conduct, in or upon any houses or premises, owned or possessed by him, or under his management or control, so that others in the vicinity are disturbed thereby, shall be deemed guilty of a misdemeanor.

§ 3. Whoever shall in this city disturb or disquiet any congregation or assembly, met for religious worship, by making a noise, or by rude and indecent behavior, or profane discourse, or in any other manner, within or near their place of worship, shall be guilty of a misdemeanor.

§ 4. Whoever shall in this city disturb any lawful assemblage of people, by rude and indecent behavior, or otherwise, shall be deemed guilty of a misdemeanor.

§ 5. Whoever shall in this city give or make a false alarm of fire, shall be deemed guilty of a misdemeanor.

§ 6. Whoever shall in this city employ any bellman, or use himself, or cause to be used, any bell or sounding instrument, as a means of attracting people to an auction or other place, or shall permit any such to be used for or on his account, shall be deemed guilty of a misdemeanor.

§ 7. Any person who shall be found drunk, lying or roving about the streets, alleys or sidewalks of the city of Belleville, or the private grounds of the inhabitants, or disturbing the peace, order and quiet of the citizens, by loud and unusual noises, disorderly conduct, indecent language, behavior, or in any manner whatever, shall be arrested on complaint being made, or on view by any peace officer; and on conviction shall be fined in any sum not exceeding twenty-five dollars. If any such person arrested should not be in a fit state to be immediately tried, or from some other cause cannot have an immediate trial, and fails to give security for his appearance and good behavior in the mean time, he or she shall be committed to jail for trial in due time.

§ 8. Whoever shall be guilty of any noise, rout or amusement, vulgar or profane language, or any disorderly or immoral conduct whatever, on the first day of the week, called Sunday, whereby the good order of society or the peace of any private family or congregation within the city of Belleville is disturbed, shall, on conviction, be fined in a sum not exceeding twenty-five dollars.

§ 9. Any person licensed to keep a grocery or beer house, tavern, or house of entertainment, who shall suffer any disorder, drunkenness, quarreling, fighting, unlawful games, or riotous and disorderly conduct whatever, in such his house or premises, shall be fined in any sum not exceeding fifty dollars; and for repeated offenses shall have his license suppressed.

§ 10. The mayor and city council shall have power, upon complaint being made, to revoke any license granted to keep a grocery, beer house, tavern, or house of entertainment, whenever they may be satisfied that the privileges granted have been abused, or that the person to whom the license was granted has violated the law.

§ 11. Every male person above eighteen years of age who shall neglect or refuse to join the posse of the marshal or any peace officer of the city of Belleville, by neglecting or refusing to aid and assist in arresting any person against whom there may have issued any civil or criminal process, or who may have escaped after having been arrested, or by neglecting or refusing to aid and assist in preventing any breach of the peace; any riot, affray, or disturbance of the peace, or the commission of any criminal offenses, being thereto lawfully required by any peace officer of the city, shall upon conviction be fined in a sum not exceeding twenty-five dollars.

§ 12. Any person able to work and maintain himself in some honest and respectable calling, not having visible means of support, who shall live idly without employment, or loiter or stroll about begging, or frequenting gaming houses, disorderly or bawdy houses, groceries, tippling houses, or other places where intoxicating liquors are sold, or who shall otherwise lead an idle or profligate course of life; or any person who shall keep any gaming house, or keep or exhibit any gaming implements for the purpose of gaming therewith, or shall pursue gaming, or who shall keep, maintain, or be an inmate of any house of prostitution; or who shall have in his possession any implement used for counterfeiting, or for the commission of burglary, or for picking locks or pockets, or any Mexican puzzle, or other implement or device used by cheats and swindlers, without being able to give a good account of his possession of the same; or who shall trespass upon private property in the night time, or habitually sleep in sheds, stables, outhouses, or in the open air, without being able to give a good account of himself or herself, shall be deemed a vagrant, and shall be subject to a penalty of not exceeding fifty dollars.

APPROVED.

ARTICLE II.

Offenses against public morals and decency.

SECTION 1. Whoever shall in this city be found in a state of intoxication in any highway, thoroughfare or other public place, shall be deemed guilty of a misdemeanor.

§ 2. Whoever shall in this city appear in any public place in a state of nudity, or in a dress not belonging to his or her sex, or in an indecent or lewd dress, or shall make any indecent exposure of his or her person, or be guilty of any indecent or lewd act or behavior, or shall exhibit, sell, or offer to sell, any indecent or lewd book, picture, or other thing, or shall exhibit or perform any indecent, immoral or lewd play or other representation, shall be deemed guilty of a misdemeanor.

§ 3. Whoever shall in this city set up or keep any gaming table or gambling device, at which any game of chance shall be played for money or property, or anything representing money or property, or shall, at any such table or device, or at any game of chance bet, win, or lose any money or property, either in specie or in anything representing the same, or shall suffer any such table or device, at which any game of chance is played, to be set up or used in any tenement in his possession, or under his control, shall be deemed guilty of a misdemeanor, and shall forfeit and pay a sum of not less than twenty-five dollars for every offense; and it shall be the

duty of the mayor, on receiving satisfactory information of any such table or device being set up and used, to issue his warrant to the city marshal, commanding him to destroy the same, which warrant shall be immediately executed.

§ 4. Whoever shall in this city keep a bawdy house, house of ill-fame or of assignation, or be an inmate of, or be in any way connected with, or contribute to the support of any disorderly house or place for the practice of fornication or adultery, or shall permit any tenement in his possession or under his control to be used for any such purpose, shall be deemed guilty of a misdemeanor.

§ 5. Whoever shall in this city make any indecent exhibition publicly of any stud horse, or jackass, or let any such horse or jackass to mares or jennies, or any bull to cows, within the limits of this city, unless in some enclosed place out of public view, shall be deemed guilty of a misdemeanor.

§ 6. If any bitch shall be found running at large while in heat, the owner, possessor or keeper thereof shall be subject to a fine of not less than one nor more than ten dollars.

ARTICLE III.

Offenses affecting public safety and policy.

Section 1. Whoever shall, in this city ride or drive any beast of burden or draft, in any highway, thoroughfare or other public place, quicker than, or beyond a moderate gait, unless in a case of urgent necessity, or shall ride or drive any such animal so as to cause such animal or any vehicle thereto attached, to come in collision with, or strike any other object or any person; or shall by negligence or improper treatment suffer, or cause any such animal or team to run away, or shall leave any such animal standing in any public place, without being fastened, or so guarded, as to prevent its running away, or shall turn such animal loose in any thoroughfare, or shall inhumanly, unnecessarily, or cruelly beat, injure or otherwise abuse any dumb animal, shall be deemed guilty of a misdemeanor.

§ 2. Whoever in this city, being the owner or keeper of any mischievous animal, and shall suffer the same to run at large, knowing the said animal to be mischievous, shall be deemed guilty of a misdemeanor.

§ 3. Whoever shall, in any highway or thoroughfare of this city, fly a kite, or use any sport or exercise, likely to scare horses, injure passengers, or embarrass the passage of vehicles, shall be deemed guilty of a misdemeanor.

§ 4. In all cases of persons meeting each other riding or driving vehicles,

in any highway or thoroughfare in this city, each person so meeting, shall turn off and go to the right side of the street, so as to enable such persons or vehicles to pass each other without accident; whoever shall violate this section shall be deemed guilty of a misdemeanor.

§ 5. Whoever shall, in this city, burn any shavings, straw, hay, brush, wood, or any other materials, in any street, or alley, or lot, so as to endanger his or any other person's property, shall be deemed guilty of a misdemeanor.

§ 6. No person shall, within the limits of the city of Belleville, fire or discharge any cannon, musket, rifle, fowling-piece, or other fire arms, or air gun, except in cases of necessity, or in the performance of a public or lawful act of duty, or discharge or set off any cracker, rocket, torpedo, squib, or other fire-works, within the limits of said city, without written permission from the mayor first obtained, which permission shall limit the time of such firing, and may be revoked any time after it has been granted; whoever shall act contrary to the provisions contained in this section shall be deemed guilty of a misdemeanor.

§ 7. No person within the city of Belleville shall vend, give or sell any deadly poison, knowing the same to be such, without marking the same in legible characters, "poison," nor to any person to him or her unknown, under a penalty of five dollars for each offense.

§ 8. Any person or persons driving any loose head of cattle, horses, or any other animals, or any vicious or unruly animals through the streets of the city, who shall drive or run the same at a rate of more than four miles per hour, or shall drive or run the same with any dog or dogs, through the streets of said city, shall be fined a sum not less than three nor more than twenty-five dollars; this ordinance to apply to butchers as well as other persons.

§ 9. Any person or persons who shall, by themselves or their agents or servants fire off any blast, or dig, or open any stone quarry within the city limits of Belleville, shall be deemed guilty of a misdemeanor, and fined not less than five, nor more than one hundred, dollars for each offense.

APPROVED.

ARTICLE IV.

Offenses concerning the streets, squares and private property.

§ 1. Whoever shall, in this city lead, ride, drive, or place any beast of burden or vehicle on any paved or planked sidewalk or footway, otherwise than going into or out of premises, owned or occupied by him or his employer, or shall hitch or fasten any animal to any railing, fence, or

ornamental or shade tree, lamp post or awning post, not belonging to him or his employer, shall be deemed guilty of a misdemeanor.

§ 2. Whoever shall, in this city, dig or cause to be dug any excavation in or adjoining any highway, thoroughfare or other public place, and shall not, during the night, cause the same to be fenced in with a sufficient fence, to prevent persons from falling into such excavation, shall be deemed guilty of a misdemeanor.

§ 3. Whoever shall, in this city, dig or cause to be dug in any highway, thoroughfare, or sidewalk, or vault, and shall not arch or cover the same over, and secure the grating or covering of the opening thereof, in such manner as to prevent persons, animals and vehicles from falling in the same, shall be deemed guilty of a misdemeanor.

§ 4. Whoever owning or occupying any building in this city, shall not cause the pipes conducting the water from the eaves of the building to be so constructed as not to spread the water over the sidewalk, shall be deemed guilty of a misdemeanor.

§ 5. Whoever in this city shall keep or leave open any cellar door, or grating of any vault, on any highway, alley or sidewalk, or shall suffer any such door or grating, belonging to premises occupied by him, or any such place, to be in an insecure condition, whereby passers by may be in danger of falling into a cellar or vault, shall be deemed guilty of a misdemeanor.

§ 6. Whoever shall in this city, without permission from the mayor, dig up, or haul away any ground, or quarry stone, or cut down any tree or trees, or make any alteration whatever, shall be deemed guilty of a misdemeanor.

§ 7. Any person who shall undermine in any manner whatever any street, alley, or any other ground or real estate belonging to the city or any private person, shall be deemed guilty of a misdemeanor.

§ 8. Whoever in this city shall, without written permission from the mayor, set up or cause to be set up any awning post, or other posts, on any street, alley, or sidewalk, less than ten feet wide, and whoever shall suspend or put up any awning less than eight feet in height above the sidewalk, or any sign, sign box or fixture, which shall extend over or upon any sidewalk more than two feet from the inside line of such sidewalk, or shall suspend any merchandise, or other articles in front of any house, more than two feet from the wall thereof, and less than eight feet above the ground, and whoever shall, without necessity, place or throw, or cause to be placed or thrown upon any street, alley or sidewalk, or public place, any article whatever, so as to obstruct the same, shall be deemed guilty of a misdemeanor.

§ 9. Whoever shall in this city willfully break any window glass in any house of another, or cut, break or otherwise injury any lamp post, awning post, sign, ornamental or shade trees, railing, fence or other enclosure, or any property belonging to the city, shall be deemed guilty of a misdemeanor.

§ 10. Whoever in this city shall throw or cast any stone, or any other missile upon or at any building, tree or other public or private property, or at any person in any street, avenue, alley, lane, public place or grounds in this city, and whoever in this city shall throw or cast any stone or missile in, from, or into any street, avenue, alley, or lane or public place in this city, shall be subject to a fine not exceeding five dollars.

§ 11. Any person occupying or obstructing the public square of Belleville in any way with any house, tenement, moveable house, or house on wheels, or any unusual wagon or obstruction to said square, after having first received three days' notice from the proper officer to remove the same, shall be fined not exceeding five dollars for every day's obstruction after such notice shall have been given.

§ 12. Any person or persons who shall willfully, maliciously or for their own benefit, dig or cause to be dug, or injure in any way, by digging any street, lane, square or alley of this city for the purpose of letting off water, or for any other purpose, without the consent of the mayor so to do, shall be guilty of a misdemeanor, and fined not less than five nor more than fifty dollars for every such offense, and be liable for damages that may accrue to the city or individuals by said misdemeanor.

§ 13. Any person or persons hereafter injuring or abusing the fence of the old graveyard, or tying horses or other animals, or otherwise damaging said fence, graveyard, or tombs within said fence, shall forfeit and pay to the city not less than one nor more than five dollars for each and every breach of this ordinance.

ARTICLE V.

Offenses against official authority.

§ 1. Whoever shall in this city falsely represent himself to be an officer of this city, or shall without being duly authorized by the city exercise or attempt to exercise any of the duties, functions or powers of a city officer, or shall hinder, obstruct, resist, or otherwise interfere with any city officer in the discharge of his office duties, or attempt to prevent any such officer from arresting any person, either by force or by carrying information to such person, or attempt to rescue from such officer any person in his custody, shall be deemed guilty of a misdemeanor.

§ 2. Every male person above eighteen years of age who shall neglect or refuse to join the *posse* of the marshal, or any other peace officer of the city of Belleville, by neglecting or refusing to aid and assist in arresting any person against whom there may have issued any civil or criminal process, or who may have escaped after having been arrested, or by neglecting or refusing to aid and assist in preventing any breach of the peace, any riot, affray or disturbance of the peace, or the commission of any criminal offense; being thereto lawfully required by the mayor, marshal, or any other peace officer of this city, shall upon conviction be fined in a sum not exceeding twenty-five dollars.

ARTICLE VI.

Penalties.

§ 1. Whoever shall be convicted of a misdemeanor under any provision of this or any other ordinance, in a case where no specific penalty is prescribed, shall forfeit and pay to this city a sum not less than two nor more than one hundred dollars.

ARTICLE VII.

Miscellaneous Provisions.

§ 1. No person or persons who has or have not received a license for a stall in the market house shall sell within the city of Belleville fresh meat of any sort by a less quantity than the quarter, under a penalty of not less than one dollar nor more than ten dollars for every offense.

§ 2. Any person who shall knowingly sell or offer for sale by himself or agent, any blown veal, mutton or meat of any kind, shall be fined in a sum not exceeding five dollars.

§ 3. Any person who shall sell or offer for sale himself, or by his agent, any flesh of any diseased animal, or tainted, spoilt or unwholesome meat or provisions, or any pernicious or adulterated drink or liquors, shall be fined not exceeding twenty-five dollars.

§ 4. Any person who shall willfully injure or mutilate the market house or any other property of the city of Belleville, or shall run any wagon or vehicle under said market house, or upon any plank or brick pavement of said city, or ride or drive any horse, mule or oxen on said pavement, or attach any horse, mule or ox to said market house, shall be fined not exceeding five dollars.

§ 5. Whoever in this city shall bury the body of any deceased person within the limits of the city of Belleville, or shall take up and remove any body now buried within said city limits, after the first day of April and

before the first day of December, shall be fined not less than one nor more than twenty-five dollars.

§ 6. Any person who shall in any manner desecrate the old grave yard within the city limits, by turning into it any stock, horses, mules, cows, hogs, or any thing that will endanger any enclosure or tombstone; or who shall run over or deface the rising ground over any grave, or molest, cut or carry away any plank or any thing belonging to said grave yard, or who shall after disinterring any body in said grave yard not properly fill up and level the hole or cavity made by him, shall be fined not exceeding twenty-five dollars.

§ 7. Any person who shall willfully or negligently break or abuse the pumps in the public well and cistern on the public square, or shall pump out of said well or cistern any water without needing the same for himself or family, or for watering horses or cattle, or some other purpose, shall be subject to a fine of not exceeding ten dollars.

§ 8. Any person who shall rob any orchard, garden yard, or other premises of any fruit, flowers, shrubbery or any other thing, or wilfully destroy any such fruit, flowers, shrubbery or other thing, shall be subject to a fine of not exceeding ten dollars.

No. XXXV.

Private Property—An Ordinance regulating the proceedings when Private Property is taken for Public Uses.

SECTION 1. *Be it ordained by the city council of the city of Belleville, as follows:* When it is necessary to take private property for establishing, opening, widening or altering any public street, avenue, lane, alley, square, or other public place, the city council, if propositions which are satisfactory shall be submitted by the owners of the property, may approve the same, and at once make the necessary appropriations, and order the street inspector to open the same without delay, according to the plan proposed, and take possession of the property for public use.

§ 2. Whenever the city council shall order by resolution to open, alter or widen any street, alley or other public place, it shall be the duty of the mayor to have the same surveyed in conformity to the plans indicated by resolution, and to make a proper plat of such survey, showing the names of the parties owning the land proposed to be taken, which survey and plat shall be certified to by the city surveyor.

§ 3. If the amount of compensation for private property to be taken for the purpose of laying out, opening, altering, widening or straightening any street, alley, highway, or public ground or square, can not be agreed upon

with the owners, the city council shall give notice of their intention to appropriate and take the land necessary for the same, to the owner thereof, by publishing said notice for ten days in the newspaper publishing the city ordinances, at the expiration of which time they shall choose, by ballot, three disinterested freeholders, residing in the city, as commissioners to make the necessary assessments, and take such proceedings as are prescribed in article seventh, sections one to nineteen, of the charter of the city of Belleville, granted February 18th, 1859.

APPROVED.

No. XXXVI.

Process—Ordinance concerning Proceedings before the Police Magistrate for Fines and Penalties.

SECTION I. *Be it ordained by the city council of the city of Belleville, as follows:* Whenever any fine, forfeiture or penalty shall be imposed for the breach of any of the ordinances of this city, the same may be sued for before the police magistrate in the form of actions of debt or trespass by common summons, or by warrant, as the case may be, according to the practice of justices of the peace.

§ 2. Actions for violations of ordinances may be commenced by any person filing with the police magistrate an affidavit, stating the nature of the offense, or by the marshal or any officer of the city, by filing a statement in writing as near as may be in the following form, to-wit:

A. B. to the city of Belleville, Dr. dollars for violating an ordinance No. , by (here insert the nature of the act and offense.)

City of Belleville, 186

C. D., *Marshal.*

Provided, That in all cases where a warrant for the arrest of any defendant is to be issued, the complaint or statement shall be made under oath.

§ 3. No action shall be dismissed before the police magistrate for any defect of form in said statement, affidavit, summons or warrant, if the offense be substantially set forth in the statement or affidavit filed, so as to give the defendant notice of the charge which he is required to answer, and such statement or affidavit may include several persons charged with the same offense.

§ 4. Upon such affidavit or statement being filed, the police magistrate shall docket the case in his docket in the usual manner required by law, and shall issue summons or warrant, as the case may require. When a person has been arrested on view or otherwise, according to law, without

a warrant, the police magistrate shall enter in his docket the fact of his arrest and by whom made, and also take from the officer making the arrest an affidavit of the cause of such arrest.

§ 5. If an action shall be commenced against any person who is charged with having committed an act punishable under the laws of the State of Illinois, or any person being a non-resident of the city, or if the police magistrate shall be of opinion that a speedy proceeding is necessary to secure the punishment of the offender, he shall issue a warrant which may be substantially as follows, to wit:

STATE OF ILLINOIS, }
County of St. Clair and City of Belleville. }

The people of the State of Illinois to the marshal of the city of Belleville or any constable of said county, GREETING:

Whereas, the marshal (or as the case may be) has complained under oath before me, that A. B. has violated ordinance No. of the city of Belleville by (here insert the nature of the offense.)

You are hereby commanded to take the body of A. B. and bring him forthwith before me to be dealt with according to law.

In witness whereof, I have hereunto set my hand and seal this——— day of———18 .

C. D., *Police Magistrate.*

§ 6. Any person in the custody of the city marshal, or other officer, for the violation of any ordinance, may be admitted to bail by executing a bond to the city with sufficient security, to be approved by the police magistrate, in double the amount of the penalty for the offence charged, conditioned that he will appear upon a day therein named before the police magistrate, and answer the accusation for which he has been arrested, and not depart the court without leave; which bond shall be attested by the police magistrate and filed in his office, and a note thereof shall be entered upon his docket.

§ 7. If the defendant fail to appear according to the conditions of the bond, or appearing, shall depart the court without leave, the police magistrate shall enter judgment against him and his securities for the penalty of said bond, and all costs.

§ 8. Any judgment entered up under the provisions of the preceding section may be set aside by the police magistrate within six days after the rendition of said judgment, if the defendant shall personally appear before the police magistrate, paying the costs and showing good cause for setting aside the judgment by affidavit of himself or one creditable person for him.

§ 9. A party in custody who cannot be tried on account of the absence of witnesses, drunkenness, or other cause, and who cannot give bail for his appearance, may be confined in the county jail not exceeding three days, and in such case the police magistrate shall deliver to the marshal or other officer a commitment stating the cause of the detention.

§ 10. When a defendant, duly summoned, fails to appear at the time the suit is set for trial, the police magistrate shall hear and examine the testimony offered on the part of the city, and shall render judgment by default against the defendant for such amount under the ordinances as he may deem just.

§ 11. Judgment by default rendered under the preceding section, may be set aside by the police magistrate, and a new trial granted within ten days after the rendition: *Provided*, the defendant shall within ten days make application and show good cause for such setting aside; and provided he shall pay all the costs which have accrued, unless he prove to the satisfaction of the police magistrate that he was prevented by unavoidable circumstances from attending the trial.

§ 12. In all cases of appeals the police magistrate shall make out and certify a full transcript of the proceedings had in such suit, as the same is recorded on his docket.

§ 13. When the marshal or constable is of kin to the prosecutor or defendant in a suit, or the defendant or prosecutor shall file an affidavit that the marshal or constable is so prejudiced against him that justice may not be done in the selection of a jury, the police magistrate shall issue the venire to some other disinterested constable of the county, or some other person, if such constable cannot conveniently be had.

§ 14. The verdict of the jury shall be in the following form: "We, the jury, find the defendant not guilty," or "We, the jury, find the defendant guilty, and assess the fine at —— dollars."

§ 15. If the jury find the defendant guilty, they shall assess the penalty, except in case the same is specifically fixed by ordinance at a given sum.

§ 16. Upon the rendition of judgment against any defendant for the violation of any ordinance of this city, the police magistrate shall forthwith issue an execution directed to the city marshal or any constable in the county, which shall be made returnable in thirty days, and shall otherwise be in the same form and governed by the same regulations, as executions issued by justices of the peace under the laws of this State; and upon return of any such executions unsatisfied for want of property, it may at any time thereafter, in the discretion of the police magistrate, be lawful

for him to issue another execution, in such form, clearly to express the objects of this provision, as he may adopt, directing the proper officer, if the same be not satisfied within ten days after date, to commit the body of the defendant to the city or county jail, or to put him under the care of the street inspector until such fine and costs in the execution shall be liquidated by confinement in such jail, or worked out on the streets under the ordinances of this city; and the officer in his return shall express how said execution was satisfied.

§ 17. If any defendant in execution shall refuse to pay the fine and costs, and the execution shall be returned unsatisfied for want of property to levy upon, he shall be confined in the jail or work house one day for each one dollar of such fine and costs, or if the fine and costs are to be liquidated by working on the streets, he shall work one day for every dollar contained in the execution.

§ 18. Witnesses summoned in any suit before the police magistrate, and attending the trial, shall be entitled to fifty cents for each day's attendance, to be recovered of the party convicted.

§ 19. In all prosecutions instituted by the City of Belleville, any officer of said city shall be a competent witness, notwithstanding such officer may be entitled to a portion of the fine or penalty, or to a fee from the same.

§ 20. Whenever an execution against a defendant in favor of the city is returned "no property found," the police magistrate may, upon oath being made by any officer of said city, or by any citizen, issue a garnishee process, according to the laws of this State, and the practice of justices of the peace, and every such officer, for such purpose, shall be deemed and taken to be the agent of said city.

§ 21. When an affidavit, on the part of the city, shall be required in any case before the police magistrate, it may be made by any city officer, or by any person to whom the facts are known.

§ 22. Parents, guardians, masters and mistresses, shall be bound for the payment of any fine, forfeiture or penalty assessed against any minor under their respective charge or care, under the provisions of any ordinance of this city, and execution shall issue thereon as in other cases: *Provided*, it shall be the duty of the marshal or constable to notify any such parent, guardian, master or mistress of such minor, if they are known, of the time and place of trial for any violation of ordinance, and in case such parent, guardian or master is not known, or resident of the city, the officer shall in his return or statement make known such fact.

§ 23. In all prosecutions for fine or penalty, where the defendant shall be acquitted, if it shall appear to the police magistrate that there was no

reasonable ground for the prosecution, or that it was instituted vexatiously and maliciously, he may give judgment against the prosecutor or complainant for costs of said suit, and issue execution thereon; and in all cases arising under the ordinances the police magistrate may, if it shall appear to him just and equitable, apportion the costs between the parties and complainant or prosecutor, according to justice.

§ 24. The police magistrate and city marshal, in all matters pertaining to the duties of their respective offices in judicial proceedings, and concerning which there is no specific provisions by the charter or ordinances of the city, shall be governed by the laws of the state of Illinois, and the practice established relating to the proceedings of justices and constables.

§ 25. The marshal and constable shall, at all times, be vigilant in enforcing the ordinances of the city, and shall arrest, on view, any person committing an offense, or who threatens to do so in their presence; if any such person arrested cannot have an immediate trial, he or she shall be committed to jail for trial in due time; any person, so arrested and held in custody, shall be entitled to a trial within twenty-four hours from the time of the arrest, except when Sunday shall intervene, unless the trial be postponed by the police magistrate for good cause or from unavoidable circumstances.

§ 26. If the marshal or constable shall willfully neglect to discharge any duties required of them by the charter of the city or by the ordinances thereof, or shall commit any positive violation of duty, they shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than one nor more than one hundred dollars.

§ 27. The marshal, or any other officer of the city authorized to execute process of the police magistrate, shall be allowed five per cent. of the fines and penalties respectively collected by them for the use of the city of Belleville.

§ 28. The mayor and aldermen of the city shall be, *ex-officio*, conservators of the peace within the city. They shall, as such, arrest, or cause to be arrested, with or without process, all persons who shall break the peace, or threaten to break the peace, or be found violating any ordinance of this city, commit for examination, and, if necessary, detain such persons in custody over night, or the Sabbath, in the jail or watch-house, or until they can be brought before a magistrate.

§ 29. If, after the conviction of any offender, before the police magistrate, for the violation of any ordinance, or if, at any other time, upon due information under oath made, it be moved by the city attorney, or other

officer of the city, to put the defendant under bonds, and require him to give security for his good behavior and to keep the peace, the magistrate shall hear the testimony under oath, and, if he is satisfied that the defendant has used threats to disturb the peace, or to commit any other unlawful act against persons or property, or that he is of bad character and fame, and that there is danger that such defendant will disturb the peace, or commit those unlawful acts, or that the public peace and good would be promoted by his being bound over, he shall require the said defendant to enter into bonds, with good security, in a sum not exceeding five hundred dollars, to keep the peace for a time not exceeding twelve months. The condition of this recognizance shall be: that the defendant shall keep the peace against all persons, or against particular persons named in the information, and appear again before the police magistrate at a time fixed in said recognizance, to be dealt with according to law. If the defendant shall fail to give a recognizance with sufficient security, it shall be the duty of the magistrate to commit him to jail until such security be given. If the defendant, having entered into recognizance, shall appear before the magistrate at the time fixed in said bond, the magistrate shall examine the witnessess, and either continue the recognizance, commit the defendant to jail, or discharge him, as to the said magistrate shall appear right and just, having due regard to the public peace and good and to the safety of the citizens: *Provided*, That the person committed to jail for want of entering into such recognizance, shall not stay in jail longer than one month, and may be discharged sooner, at the discretion of the police magistrate.

No. XXXVII.

Public Well—Ordinance relating to the Public Well.

SECTION 1. *Be it ordained by the city council of the city of Belleville, as follows*: If any person shall at any time willfully or negligently break or abuse the pump in the public well on the public square, or shall pump out of said well any water, without needing the same for himself or family, or for watering horses or cattle, or for some other lawful purpose, or if any person shall willfully or negligently throw any filth, dirt or dirty water into the public cistern, he shall be subject to a fine of not exceeding twenty dollars.

No. XXXVIII.

Revenue and Taxes—Ordinance in relation to, and for the Collection of, Taxes and other Revenue of the City.

ARTICLE I.

SECTION 1. *Be it ordained by the city council of the city of Belleville, as follows:* The rate of tax for the fiscal year commencing on the first of May

of each and every year, shall in future, unless altered by ordinance, be fifty cents on every hundred dollars' worth of real and personal estate assessed for taxation, and subject to the same by law within the city limits of the city of Belleville, to be applied to the contingent and other expenses of the city; also twenty cents on every hundred dollars' worth of real and personal estate so assessed, to constitute a sinking fund, and to be wholly applied to the payment of city bonds and obligations now due and maturing.

ARTICLE II.

Assessor and Assessment.

§ 1. At the first regular session of the city council after the first day of May in every year, it shall be the duty of the mayor to appoint, by and with the consent of the board of aldermen, a competent person as assessor, who shall have resided in the city at least three years.

§ 2. The said assessor, upon entering upon the duties of his office, shall subscribe an oath faithfully to discharge the duties of the office of assessor to the best of his knowledge and ability: and shall also enter into bond to the city with at least two securities to be approved by the mayor, conditioned for the prompt and faithful discharge of his duties.

§ 3. The assessor shall enter upon the discharge of his duties on the second Monday of May in each year, and the city register shall deliver to him the entire preceding assessment list of the city, and well bound books, with separate columns for the names of the owners of property, the kind of property, the value of the ground, and the value of the improvements, the value of each kind, and the total value of every persons' taxable property and such other columns as may be deemed necessary.

§ 4. Upon the receipt of the lists and books mentioned in the preceding section, the assessor shall proceed to examine and assess all property within this city subject to taxation at its true value, and when the same is real estate, giving the quantity and metes and bounds thereof, and the value of the ground and that of the improvements, separately, and shall charge all personal property, monies and credits to the owner, with his real estate, if he has any.

§ 5. Said lists shall be arranged by blocks or lots, according to their numerical order on the plats of the city and additions.

§ 6. The assessor in making the city assessment shall have all the power and authority conferred by State laws upon the county assessor, and is authorized to demand of every person owning or having charge of any taxable property as agent, guardian, curator, trustee, or otherwise, a

list of all such property, with such description as will enable him to list and assess the same, and shall have power, and is required when not satisfied with such list, to examine the party under oath, touching the same; and any person refusing to take such oath shall be deemed guilty of a misdemeanor, and fined not less than ten nor more than one hundred dollars, or imprisoned in the county jail for not less than three nor more than twenty days.

§ 7. If the assessor find property within the city, the owner of which is unknown, he shall list it as the property of an unknown owner.

§ 8. If the assessor shall discover any taxable property which has not been assessed in previous years, the same shall be assessed for each year it was not assessed, and the assessor shall note the same upon the assessment.

§ 9. It shall be the duty of the assessor to return to the city council the whole assessment of the property within the city within ninety days after receiving the books from the register.

§ 10. Upon the receipt of the assessment lists, the mayor shall call a meeting of the city council to hear and determine all appeals from the assessment, and correct all errors that may be found in the lists.

§ 11. The register shall give ten days notice of the time and place of the meeting of the city council as a court of appeals, by publishing the same in the newspapers employed by the city, and all persons who consider themselves aggrieved by the assessment of their property, may appeal to the city council sitting as a court of appeals, and any such appeal may be made either verbally by the appellant, or handed in in writing, and shall state specifically the grounds of the appeal, and the matter or thing complained of, and no other matter shall be considered by the board.

§ 12. The city council sitting as a court of appeals shall hear and determine all appeals in a summary way, and correct any errors which they may discover in the assessment lists, and may place upon such lists any assessable property not already listed; and may increase or diminish any assessment as they may think just and equitable: *Provided*, however, that before the assessment of any property is finally increased, the person to whom such property is assessed, or his agent, if a resident of the city, shall be notified either personally or by writing left at his usual place of residence, of such intention to increase his assessment, and of the time and place of the session of city council sitting as a court of appeals, and shall be permitted to introduce any testimony relating to the value of his property.

§ 13. When the city council, sitting as a court of appeals, shall have

corrected and adjusted the lists, it shall be delivered to the city register, who shall make a correct copy thereof, and deliver said copy to the city collector, and take his receipt for the aggregate amount thereof, and charge the same to him.

§ 14. The assessor shall receive a salary of two hundred dollars, payable when the assessment is finished, received and approved by the city council.

ARTICLE III.

Collector and collection of taxes.

SECTION 1. At the first regular session of the city council after the first day of May, in each year, there shall be appointed a collector of the city revenue, who shall enter upon the duties of his office on the second Monday in May.

§ 2. The official bond of each collector shall be in double the sum of the amount of the assessed taxes, with at least two sufficient securities to be approved by the city council.

§ 3. It shall be the duty of the collector to collect all accounts for taxes placed in his hands for collection, to keep in suitable books separate accounts of monies and orders received by him on behalf of the city, with the date of the receipt, the name of the person paying, and object of taxation, to pay to the treasurer on the last day of every week all monies or orders collected by him, taking duplicate receipt therefor, one of which shall be filed with the city register without delay.

§ 4. Upon the receipt of the tax list or assessor's books the collector shall give notice thereof by publication in the newspapers employed by the city, requiring all persons to pay their taxes; and the taxes shall be considered as due and payable on and from the day of the publication of the said notice.

§ 5. If the taxes are not paid within twenty days after the first publication of said notice, the collector may, if he chooses, call upon such person residing in the city who shall have failed to pay his taxes, and may make a demand of the same at his or her usual place of residence.

§ 6. The amount of taxes shall be a lien on personal property, and shall attach from and after the time the assessment list is received by the collector, and no transfer of the matter shall effect the claim of the city, but the said property may be seized by the collector wherever found, and removed, if necessary, and sold to discharge the taxes of the person owning the same at the time of such assessment, together with the costs and charges of collection.

§ 7. In collecting the city taxes and assessments, general or special, the

collector of the city shall have the same power and authority as the county and State collector; a notice, published by the collector for ten days in the newspaper printing the city ordinances, shall be deemed a demand, and a neglect to pay taxes for twenty days thereafter shall be deemed a refusal; and the collector and the assessor's list shall, in all cases, be competent witness and evidence on the part of the city corporation.

§ 8. In case any person shall refuse or neglect to pay his or her taxes when demanded, or within ten days thereafter, the collector may levy the same together with the costs and charges that may accrue, by distress and sale of the personal property of such person as ought to pay the same wherever the same may be found in the city.

§ 9. The collector shall give public notice of the time and place of sale, the property to be sold, and the name of the delinquent, at least ten days previous to the day of sale, by advertisements to be posted up in at least three public places in the city.

§ 10. Such sale shall be by public auction, and if practicable no more property shall be sold than sufficient to pay the taxes, costs and charges due; the same shall, if convenient, be sold in parcels, and if sold for more than the amount necessary, the surplus shall be returned to the owner.

§ 11. The collector shall be allowed the same fees and charges for making distress and sale of personal property for the payment of taxes as is allowed by law to constables for making levy and sale of property on execution.

§ 12. Whenever any tax is paid, the collector shall give the person paying the same a receipt, specifying the name of the person for whom paid, the amount paid, what year paid for, and the property on which the same was assessed.

§ 13. If any person, owning lands or town lots or parts of lots, in the city of Belleville, shall fail to pay the taxes assessed thereon by said city, by the first day of January in each year, it shall be the duty of the collector to publish an advertisement in the newspaper employed by the city for publishing the ordinances, at least thirty days previous to the March term of the county court of St. Clair county, which advertisement shall contain a correct copy of the collector's books of all the delinquent lots and lands, upon which the taxes remain due and unpaid, and the collector shall, at the foot of the delinquent list, give notice that he will apply at the county court of St. Clair county, to be holden on the first Monday of March, for a judgment against said lands and lots, for the taxes and costs due thereon, and for an order to sell said lands and lots, for the satisfaction thereof. Said advertisement shall also contain a notice that

the collector will, on the second Monday succeeding the first Monday of the term of the county court, at which judgment will be obtained against said delinquent lands and lots, expose the same to public sale, at the Court House, between the hours of ten o'clock A. M. and six o'clock P. M., for the amount of taxes and costs due thereon. The collector shall at least five days before the commencement of the term of court at which judgment is to be obtained, file a copy of the advertisement or delinquent list, published as aforesaid, with the county clerk, and, also, one with the city register, and these shall then be deemed and taken to be sufficient and legal notice, both of the intended application to the county court for judgment, and, also, for the sale of lands and lots under the order of said court. The county court shall proceed according to the State laws in relation to the collection of State and county taxes. The court shall hear and determine said application and render judgment against the delinquent lands and lots in the same manner, and said judgment shall have the like effect as though said delinquent list had been returned to the county court by the sheriff or collector of the county in the collection of State and county taxes, and the county court shall issue its precepts or order to the collector of the city, directing him to sell said lands and lots at public auction, to pay said delinquent taxes and costs.

§ 14. On the first day of the term at which judgment on the delinquent lots and lands is prayed, it shall be the duty of the collector to file an affidavit which shall be attached to the delinquent list, and which shall be as nearly as may be, in the following form:

I, ——— ——— collector of the city of Belleville, for the year 18 , do solemnly swear, that the foregoing is a true and correct record of the delinquent lands and town lots within the corporate limits of the city of Belleville, upon which I have been unable to collect the taxes, as required by ordinances for the year 18 , and that said taxes now remain due and unpaid, to the best of my knowledge and belief. And said affidavit shall be taken as *prima facie* evidence of the truth of the statements therein contained, and if there shall be no proof to the contrary, the court shall render judgments against said lands and lots.

On the day and at the place designated in his notice, the collector shall proceed to sell the lots and lands, or so much thereof as will pay the taxes and costs severally assessed thereon. All sales shall be conducted as prescribed by State law. The sale shall be made for the smallest portion of ground, to be taken from the east side of the premises, for which any person will take the same, and will pay the taxes and costs thereon. Duplicate certificates of sale shall be made out and subscribed by the

collector and register, one of which shall be delivered to the purchaser, and the other filed in the office of the register. The collector shall be allowed the same fees for selling as are allowed by State law for similar services. The register shall keep a record of such sales, which shall be open to public inspection at all seasonable times.

§ 15. Whenever the said collector, by reason of not getting the assessment in time, or for any other cause, shall be unable to get judgment against the delinquent lands and lots at the March term of the county court of St. Clair county, it shall be his duty to get the said judgment on any succeeding term of said court, as directed by the city council; said judgment and order of sale to be obtained, and the sale of the delinquent lands and lots, and the proceedings thereon to be conducted in the same manner and time, and to be of the same force and effect as if made on the second Monday succeeding the first Monday of the March term of the county court of St. Clair county, and as described in sections 13th and 14th.

§ 16. The register shall attend all sales of lands and lots for taxes made by the collector, and make a record thereof in a book to be kept for that purpose, therein describing the several tracts of land and lots as they are described in the delinquent list, stating in separate columns the tax, cost, and how much and what part of each tract or lot was sold, to whom sold, and all such tracts or lots as remain unsold for want of bidders, shall be entered as sold to the city.

§ 17. The city register shall make out and deliver to the purchasers of any lands or lots sold for the payment of taxes as aforesaid, a certificate of purchase, which is to be countersigned by the collector, describing the lands or lots sold as the same were described in the delinquent list, the amount of taxes and costs for which the same was sold, the time when the right to redeem will expire, and that payment has been made therefor, which certificate shall be assignable by indorsement.

§ 18. The city register shall make out a certificate to the city for all the lands and lots that were bid in for the city, similar to that given to other purchasers, and such sale to the city shall have the same effect as if made to an individual.

§ 19. Real estate sold under the provisions of this chapter, may be redeemed at any time before the expiration of two years from the date of sale, by the payment to the city register of double the amount for which the same was sold, and all taxes accruing after such sale, unless such subsequent taxes have been paid to the collector as may be shown by the collector's receipt, by the person redeeming, with six per cent. interest

thereon from the first day of March in each year, up to the time of payment; *Provided*, That if the real estate of any infant, *femme covert*, or lunatic, be sold for taxes, the same may be redeemed at any time within one year after such disability is removed, upon the terms specified in this section.

§ 20. At any time after the expiration of two years from the sale of any real estate for taxes, if the same shall not be redeemed according to law, the city council shall, upon the return of the certificate, or proof of its loss, direct a deed to be executed to the purchaser, under the corporate seal, signed by the mayor or presiding officer of the city council, and countersigned by the register conveying to such purchaser the premises so sold and unredeemed as aforesaid. An abstract of all deeds so made and delivered shall be entered, by the register, in the book wherein tax sales are recorded; and such deeds shall be of the same force and effect as deeds executed by collectors of counties under the laws of this State. The assignee of any tax certificate, shall be entitled to receive a deed for the premises sold, in his own name, and with the same effect as though he had been the original purchaser.

§ 21. All the moneys received by the register shall be paid to the city treasurer for the use of the purchaser or his legal representatives, or for that of the city, and he shall make an entry of such redemption of every tract of land or lot on the same line on which the sale of said land or lot is recorded in the book kept for that purpose, as required in section seventeenth of this ordinance.

§ 22. Money paid into the treasury in redemption of real estate purchased at a tax sale by an individual, and to which such purchaser is entitled, shall be paid to him by the treasurer upon his applying therefor, and producing the register's certificate of purchase, and endorsing thereon a receipt for the amount.

§ 23. The register shall receive one dollar for every deed made to an individual purchaser, and shall be allowed to charge twenty-five cents for every lot redeemed, to be paid by the person receiving the deed or redeeming.

§ 24. The collector or register shall not directly or indirectly be concerned in the purchase of any property sold for taxes, under penalty of two hundred dollars.

§ 25. The city register shall make out a list of all the lands or lots which have been bid in by the city for taxes, and not redeemed, and make out written notices or give notice in any newspaper employed by the city, as required by the sixth section of an act, entitled, "An act to amend the

several acts concerning the public revenue," approved by the general assembly of this State on the 8th day of February, A. D. 1849, and he shall see that all the conditions required in said section are complied with; the marshal shall serve the notices and make the affidavit required, and the register and marshal shall receive a reasonable compensation for services rendered under this section.

§ 26. The collector of this city, the city register, the printer of the delinquent list, and other officers, shall receive for their services rendered under this ordinance, the same fees as are allowed for similar services rendered under the laws of this State.

§ 27. The collector shall receive five per centum of the amount collected as compensation for his services in collecting the revenue of the city.

No. XXXIX.

Register and treasurer—Ordinance relating to register and treasurer.

Section 1. *Be it ordained by the city council of the city of Belleville, as follows:* The register shall keep the corporate seal, and all papers and books belonging to the city. He shall attend all meetings of the city council, and keep a full record of their proceedings on the journals, and of all ordinances which they may pass, and superintend the printing of the same; and copies of all papers duly filed in his office, and transcripts from the journals of the proceedings of the city council, certified by him under the corporate seal, shall be evidence in all courts, in like manner as if the originals were produced. He shall also draw all warrants on the treasury, which warrants shall specify for what purpose the amount therein named is to be paid, and countersign the same, and keep accurate accounts thereof in a book provided for that purpose.

§ 2. The register shall keep an accurate account of all receipts and expenditures, and a full record of all financial operations of the city. He shall furthermore have power to administer all and any oath required to be taken under the charter and under the ordinances of the city.

§ 3. The treasurer shall receive and safely keep all money or city scrip, orders or coupons of bonds, which may be paid over to him by the collector or other officers, on account of the city, and give receipts therefor; he shall disburse any money in the treasury upon the warrant of the mayor, countersigned by the register, in conformity with the order of the city council, and he shall receive from the collector or other officer of the city, and receipt therefor as money, any scrip or orders issued under the ordinances of the city, and shall, whenever required, report to the city council

a full statement of all the money, scrip or orders received by him, and on what account.

§ 4. The register and treasurer shall keep a regular and fair account of all monies received and disbursed by him, showing the date of the receipt and disbursement thereof, of whom received, to whom paid, and on what account.

§ 5. He shall, at the end of each year, twenty days before the election, make out and deliver to the city council a full and complete statement of all monies or other indebtedness received by him, for the year next preceding, and show in what manner he has disbursed the same.

§ 6. He shall, every year, make out a full and detailed statement of the city debt, showing to whom the same is due, on what account due, what portions of the same have been paid within the year on account of principal, and what amount of interest, and whether the same is funded or unfunded debt, and what amount yet remains to be paid.

§ 7. He shall receive and enter upon record in an appropriate book, the assessment lists of the assessor, and ascertain and carry out in an appropriate column, under the order of the city council, the amount of tax levied upon each individual's property as returned to him by the assessor, and deliver a fair and exact copy thereof to the collector as provided by ordinance.

§ 8. He shall countersign all licenses issued by the mayor, and receive the money therefor; and receipt for the same; and keep in his books a separate account of all the monies paid him for licenses, and report the same to the city council.

No. XL.

Slaughter houses and Pens—An ordinance relating to Slaughter houses and Pens.

Section 1. *Be it ordained by the city council of the city of Belleville,* That any house, slaughter house, pen, stable, or other place used for butchering, killing or keeping hogs, oxen, cows, sheep, or other animals, or any building, erection or other enclosure not necessary for the use of families, which shall cause or produce an unwholesome or offensive smell or other annoyance to the inhabitants of said city, shall be deemed and is hereby defined a nuisance.

§ 2. That hereafter, no slaughter house, pen, stable, or other place used or to be used for slaughtering or killing hogs, oxen, cows, sheep, or other animals, shall be erected, established or located by any person or persons within the corporate jurisdiction or limits of the city of Belleville. Any per-

son or persons establishing, erecting or locating any building as aforesaid, within the limits of the said city of Belleville, for the use or purpose aforesaid, and failing to abandon or quit the same, or shall not cease using the same for slaughtering as aforesaid, when notified by the marshal of said city so to do, shall be liable to a fine of not exceeding one hundred dollars: *Provided*, That this ordinance shall have no reference to the months between the first day of November and the first day of March in each year.

No. XLI.

Shade Trees—Ordinance relating to Shade Trees.

SECTION 1. *Be it ordained by the city council of the city of Belleville*, That whenever any owners or lessees of lots within the city limits shall plant or cause to be planted any shade trees on the side walk in front of their respective property, and said trees are growing twelve months after the time of planting said trees, said owners or lessees shall be entitled to twenty-five cents for every good shade tree so planted, said trees, however, shall be planted one foot from the edge of the curb of the side walk, and to be planted twenty feet apart. The persons so planting trees are to notify the street inspector, whose duty it shall be to keep a book and a record of all the trees planted or claimed to have been planted under this ordinance.

No. XLII.

Special tax—An ordinance relating to special tax.

SECTION 1. *Be it ordained by the city council of the city of Belleville*, That whenever, in the opinion of the city council it shall become necessary to grade or fill up any land or lot, or to fill up, or grade, or repair, or pave any sidewalk, on any street, avenue or alley, or any part thereof within the city limits, the city council may, by ordinance or resolution, direct the owners of said property to have said grading, filling up, or grading and paving, or repairing, done by a certain time therein named, and the publication of said ordinance shall be sufficient notice to owners or holders of said lands or lots fronting on any such streets where such grading and paving are required to be done.

§ 2. Whenever the owner or holder of any lot or land shall neglect or refuse to grade or fill up the same, or to repair or to grade and pave his sidewalk, in front of said lot, on any street, alley, avenue or public place, in conformity to section one, the street inspector shall contract for the same to be done at the expense of the city, and shall make his report of

the expense thereof to the city council, and the city council shall, by ordinance, levy a special tax against said lot or land, of sufficient amount to pay all expenses, and ten per cent. damages on the money paid by the city.

§ 3. As soon as the report of the street inspector has been received, and the contractors, workmen or laborers' claims for work done under the above ordinance have been allowed, the city register shall forthwith make out and deliver to the collector a warrant, containing a list of the lots or parts of the lots subject to a special tax, as aforesaid, with the amount of such assessment against each owner, for their collection, taking his receipt, and charging him with the amount thereof, and the collector shall proceed to collect the same by calling upon and demanding the amounts due of the owners or agents of the said real estate, respectively, if they can be found in the city.

§ 4. If the said special taxes remain unpaid for twenty days after the receipt of the said warrant and list by the collector, it shall be his duty to publish an advertisement in the newspaper employed by the city for publishing the ordinances, at least thirty days previous to the first succeeding term of the county court of St. Clair county, which advertisement shall contain a correct description of the delinquent lands or lots on which the special tax remains unpaid, and the amount of said special tax, and the collector shall at the foot of said delinquent list give notice that he will apply to the county court of St. Clair county for a judgment against said lands and lots for the special taxes due thereon, and for an order to sell said lands and lots for the satisfaction thereof. Said advertisement shall also contain a notice that the collector will, on the second Monday succeeding the first Monday of the term of the county court, at which judgment will be obtained against said delinquent lands and lots, expose the same to public sale, at the court house, between the hours of ten o'clock A. M. and six o'clock P. M. for the amount of the special taxes and costs due thereon.

§ 5. The collector shall, at least five days before the commencement of the term of court, at which judgment is to be obtained, file a copy of the advertisement or delinquent list, published as aforesaid, with the county clerk, and also one with the city register, and these shall then be deemed and taken to be sufficient and legal notice both of the intended application to the county court for judgment and also for the sale of lands and lots under the order of said court.

§ 6. The county court shall proceed according to the State laws in relation to the collection of State and county taxes; the court shall hear

and determine said application, and render judgment against the delinquent lands and lots in the same manner; and said judgment shall have the same effect as though said delinquent list had been returned to the county court by the sheriff or collector of the county in the collection of State and county taxes; and the county court shall issue its precept or order to the collector of the city, directing him to sell said lands and lots at public auction, to pay said delinquent special taxes and costs.

§ 7. On the first day of the term, at which judgment against the delinquent lots and lands is prayed, it shall be the duty of the collector to file an affidavit, which shall be attached to the delinquent list, and which shall be, as nearly as may be, in the following form:

I ———, collector of the city of Belleville, do solemnly swear that the foregoing is a true and correct list of delinquent lands and lots in the city of Belleville, upon which I have been unable to collect the special taxes, as required by ordinance No. —, and that said special taxes or assessments now remain due and unpaid, to the best of my knowledge and belief.

Said affidavit shall be taken as *prima facie* evidence of the truth of the statements therein contained; and, if there shall be no proof to the contrary, the court shall render judgments against said lands and lots.

§ 8. On the day and at the place designated in his notice, the collector shall proceed to sell the lots and lands, or so much thereof as will pay the special taxes and costs severally assessed thereon. All sales shall be conducted, as prescribed by State law, if not otherwise determined by ordinance. The sale shall be made for the smallest portion of ground, to be taken from the east side of the premises, for which any person will take the same, and will pay the special tax and costs thereon. Duplicate certificates of sale shall be made out and subscribed by the register and collector, one of which shall be delivered to the purchaser, and the other filed in the office of the register. The collector shall be allowed the same fees for selling as are allowed by State law for similar services. The register shall keep a record of such sales, which shall be open to public inspection at all seasonable times.

§ 9. The real estate sold for special tax or assessment may be redeemed by the owner, his heirs, creditors or assigns, at any time within two years from the day of sale, on the payment in specie of the amount for which it was sold, with interest at the rate of ten per cent. per annum thereon, and all taxes accruing subsequent to the sale, with ten per cent. interest thereon. If the real estate of any infant, *feme covert*, or lunatic, is sold under this ordinance, the same may be redeemed at any time within one year after such disability is removed.

§ 10. The money paid at redemption may be paid to the purchaser, or for him to the city register, who shall make a special deposit thereof with the treasurer. If not redeemed according to law, the city council shall, upon the return of the certificate of sale, or of proof of its loss, direct a deed to be executed to the purchaser, under the corporate seal, signed by the mayor or presiding officer of the city council, and countersigned by the register, conveying to such purchaser the premises so sold and unredeemed as aforesaid. An abstract of all deeds so made and delivered shall be entered by the register in the book wherein special tax sales are recorded. A fee of one dollar may be charged by the register for any deed so issued.

§ 11. The assignee of any certificate of sale of any premises so sold for special taxes or assessments under authority of the city, shall be entitled to receive a deed of such premises, in his own name, and with the same effect as though he had been the original purchaser.

§ 12. If at any sale for special taxes or assessments, no bid shall be made for any parcel of land, the same shall be struck off to the city, and thereupon the city shall receive, in the corporate name, a certificate of the sale thereof, and shall be vested with the same rights as other purchasers at such sales.

§ 13. This ordinance shall not be so construed as depriving the city of any other collateral rights and remedies for the collection of special taxes or assessments against the owners of property; but the city may proceed against the owner, either for the penalty named in the respective ordinances, or institute an action of debt or assumpsit against him, as for money paid out and expended to the owners use at his request.

No. XLIII.

Sidewalks and pavements—Ordinance relating to sidewalks and pavements.

Section 1. *Be it ordained by the city council of the city of Belleville*, The owners, occupants or lessees, for a term of years in front of, adjoining or upon whose premises the city council shall order and direct by ordinance or resolution, sidewalks or pavements to be constructed, graded, repaired, relaid or cleansed, or shall declare any such premises or lots to be nuisances, and order the same to be graded, filled up, cleaned, drained or otherwise to be improved, shall comply with such ordinance or resolution, and construct, grade, repair, relay and cleanse such sidewalk or grade, fill up, clean and drain, or otherwise improve said premises at their own cost and charges, within the time, and in the manner specified in said ordinance or resolution. In case of non-compliance with said ordinance or resolution, they shall be guilty of a misdemeanor.

§ 2. If the said work is not done within the time, and in the manner prescribed, the city council may also cause the said sidewalks to be constructed, graded, repaired, relaid or cleansed, or such premises graded, filled up, cleansed or drained, or otherwise improved, and assess the expense thereof, by an order, to be entered in their proceedings, upon the lots and lands respectively, and collect the same by warrant and sale of premises, as in the case of special tax and assessment. A suit may also be brought by the city against the owner or occupant of such premises, for the recovery of such expenses as for money paid and laid out to his use and at his request.

§ 3. All sidewalks shall be ten feet and four inches wide, including the curbstone, and on a level with the established grades of the streets: *Provided*, that sidewalks in streets or roads which are less than forty-nine feet in width shall be eight feet wide; no cellar door shall be built above the level of the pavement, and no step or steps into any house or building shall extend on the sidewalk more than two feet, nor shall any person make or cause to be made any appurtenances attached to any building, or any awning less than eight feet above the pavement; nor shall any passage from a cellar extend more than two feet upon the pavement, or sidewalk, and in such case the person making or causing to be made such passage shall erect a railing on the side of the same towards the street to prevent persons from falling in the same.

§ 4. Any person who shall make a sidewalk or pavement of a less width than is above required, or shall make or cause to be made cellar doors higher than the pavement, or shall place any steps or obstructions on the sidewalks extending more than two feet on the same, or shall make or cause to be made any appurtenance tacked to a building extending on the sidewalk more than two feet, or over the sidewalk, and less than eight feet high, or shall make or cause to be made a passage into a cellar contrary to the provisions of the first section of this ordinance, shall be fined not less than one dollar nor more than twenty-five dollars.

§ 5. All appurtenances attached to buildings and extending over the pavements or sidewalks, and less than eight feet above the same, are hereby declared a nuisance; and it shall be the duty of the owners thereof to remove the same; and upon their neglect to remove the same after notice received, the street inspector shall cause them to be removed.

§ 6. Any person who shall continue any obstruction mentioned in the above section, after being notified by the street inspector, or other officer, to remove the same, shall be fined one dollar for every day he continues the same after such notice.

§ 7. Where any sidewalk or pavement, or cellar door on the same, within the city, gets out of repair by being worn out or torn up in any way, it shall be the duty of the street inspector, with the advice and consent of the mayor, to give immediate notice to the owner or owners of the property fronting thereon, to repair the same without delay; and any person or persons neglecting or refusing to repair the same, after thirty days having expired after such notice being given, shall be fined for each and every day's refusal or neglect the sum of not less than three, nor more than ten, dollars.

§ 8. The sidewalks or pavements around the public square in the city of Belleville, shall be made fourteen feet wide, including the curb stones, and it is hereby made the duty of the street inspector to have the curb stones set to their proper grade, if the owners fronting said pavements do not comply with the provision of this section within ninety days from its passage.

No. XLIV.

Streets, street inspector and alleys—Ordinance relating to streets, street inspector and alleys.

Section 1. *Be it ordained by the city council of the city of Belleville:* All grading and improvements of the streets, alleys and public places within the city of Belleville, shall be done at the general expense of the city, and paid for out of the general fund. If the city council should deem it necessary to macadamize, pave or otherwise improve any street, alley or public place, the same shall be referred to the committee on streets or improvements, or to any other appropriate committee, who shall examine into the proposed improvements, make an estimate of the probable cost thereof, and report the same with the proper specifications to the city council for their action.

§ 2. On the first Monday in May in each year, or as soon thereafter as may be, the city council shall appoint a suitable person as street inspector of the city of Belleville, who shall be qualified and commissioned as other city officers, and, before entering upon the discharge of his duties, shall give bond to the city in such sum, and with such securities, as the city council may approve, and who shall hold his office for one year, or until his successor is appointed and qualified.

§ 3. It shall be the duty of the street inspector to superintend and personally supervise all local improvements in the city, and carry into effect all orders of the city council in relation thereto.

§ 4. It shall be his duty to superintend and supervise the opening of streets and alleys, and the grading, improving and repairing thereof, and the construction and repairing of bridges, culverts and sewers; to order the laying, relaying and repairing of sidewalks; to give notice to the owners of property adjoining such sidewalks, when required, and upon the failure of any person to comply with such notice to cause the same to be laid, relaid or repaired, and apportion the cost thereof among the persons or lots properly chargeable therewith, and deliver the amount thereof to the city register, to be laid before the city council; to make plans and estimates of any work ordered in relation to streets and alleys, bridges, culverts or sewers; to keep full and accurate accounts and records, in appropriate books, of all appropriations made for work pertaining to his office, and of all disbursements thereof, specifying to whom made, and on what account.

§ 5. The street inspector shall keep a record of all the working tools, and other property in his possession, belonging to the city, and be responsible for the same, and shall deliver up to his successor in office such record, tools, and all other property or things, and shall receive therefor a receipt from such successor, which shall be filed by the city register.

§ 6. The street inspector shall cause to be removed, under the ordinances of the city, all nuisances which may be found in any street, alley, or any sidewalk, or pavement, or public ground, when the person liable for the same cannot be found before said removal, but if the individual liable, as aforesaid, shall be known, it shall be the duty of the street inspector to notify said individual to remove the same without delay; and upon his failure to do so, the street inspector shall cause the same to be removed, and twice the costs of such removal shall be recoverable of the person liable, by an action of debt, to be brought by the street inspector, or any other city officer.

§ 7. It shall be the duty of the street inspector to cause to be carried into effect all ordinances of the city concerning streets, alleys, sidewalks, and other public places, or the preventing and removing of all nuisances and obstructions therefrom.

§ 8. The street inspector shall, in every month, make out and lay before the city council, at every regular meeting thereof, a full statement and detailed account of all work and expenses made by him, or under his direction, for the previous month or months, and also specify how much of such work and expenses were made in and for the different wards of the city.

§ 9. All reports and accounts that come through the street inspector,

before being allowed or passed upon by the city council, shall be certified to by him under his oath and name.

No. XLV.

Seal—An Ordinance relating to the Seal of the City of Belleville.

Section 1. *Be it ordained by the city council of the city of Belleville*, That a seal in a circular form, with the words "Seal of the City of Belleville, Illinois," in the exterior circle, and the figure of an eagle in the middle of the said seal, shall be and is hereby declared to be the seal of the city of Belleville, to be had and used in all cases that have been, or shall hereafter be, provided by the laws of the United States, the laws of the several respective states of the United States, and the ordinances of the city of Belleville, and in all other cases in which, by the laws and customs of nations, it is necessary to use a seal by a corporation.

No. XLVI.

Watchmen—Ordinance relating to Watchmen of the City.

Section 1. *Be it ordained by the city council of the city of Belleville*, That the mayor is hereby authorized to commission any private night watch, paid and employed by residents or property holders of the city of Belleville; *Provided*, however, that said watchmen shall be residents of said city, and that the mayor be satisfied of their being of good character.

§ 2. Said watchmen shall have power to arrest all and any person in the city, found in the act of violating any law or ordinance, or aiding or abetting in any such violation, and shall arrest all and any persons found under suspicious circumstances, and who cannot give a good account of themselves, and shall take all persons so arrested to the county jail, or such other places as may be designated by ordinance.

§ 3. Each watchman, upon receiving his commission, is required to take the same oath as the city marshal.

§ 4. Any person who shall falsely represent any of the members of the night police, or who shall maliciously, or with intent to deceive, use or imitate any of the signs, signals or devices adopted and used by the night watch, shall be guilty of a misdemeanor.

No. XLVII.

Wells and Cisterns on Sidewalks—Ordinance relating to constructing Wells and Cisterns on Sidewalks.

SECTION 1. *Be it ordained by the city council of the city of Belleville*, Any person or persons wishing to dig any well or cistern on any sidewalk or pavement in the city of Belleville, for his own convenience, or for the benefit of the public, or for safety in case of fire, shall be, and are hereby permitted to do so: *Provided*, That, in so doing, said well or cistern shall be so constructed, with a proper pump, that it shall not in any way obstruct said sidewalk or pavement, and that it be submitted to the street inspector for his approval.

§ 2. Any person or persons so constructing or digging, and not complying with the provisions of this ordinance, shall be fined in a sum not exceeding fifty dollars.

No. XLVIII.

Ordinance relating to the Revised Ordinances.

SECTION 1. *Be it ordained by the city council of the city of Belleville*, That the ordinances of the city of Belleville from numbers one to numbers forty-nine, inclusive, as revised and adopted by the city council of Belleville on the third day of March, 1862, and published, in book form, by authority of the said city council, are hereby enacted and declared to be the ordinances of the city of Belleville.

§ 2. That all ordinances of a general, public and permanent nature, heretofore passed, not contained in the volume entitled "Revised Ordinances of the City of Belleville," of 1862, and conflicting with the revised ordinances of 1862, be and the same are hereby repealed.

§ 3. All ordinances of a private, local, or temporary nature, now in force and not embraced in the volume of revised ordinances of 1862, shall continue in force and expire according to their respective provisions or limitations.

§ 4. The repeal of any ordinance, by this or any other ordinance, shall not affect any act done, or right accrued or established in any preceding action, suit or prosecution, or other thing had or done previous to the time when such repeal shall take effect; but every such act, right and proceeding shall remain and continue as valid and effectual as if the provisions of such ordinance had remained in force.

§ 5. No action, prosecution, suit or proceeding pending at the time any ordinance or part of ordinance shall be repealed, shall be affected in any

way by such repeal, but any such action, prosecution, suit or proceeding shall proceed in all respects as if such ordinance or part of ordinance had not been repealed.

§ 6. All ordinances contained in the volume entitled "Revised Ordinances of the City of Belleville," of 1862, shall be deemed to have been passed and approved on the same day, notwithstanding they may have been passed and approved on different days or times.

APPROVED, MARCH 3D, 1862.

FRED. H. PIEPER, *City Register.*

No. XLIX.

Certificate of Authentication.

STATE OF ILLINOIS, } ss.
CITY OF BELLEVILLE. }

We, the undersigned, Mayor and Register of the city of Belleville, do hereby certify that the foregoing are true and authentic copies of the Revised Ordinances of the city of Belleville, as the same were revised and adopted by the city council of the city of Belleville, on the 3d day of March, 1862, and that the same were printed and published by the authority of the said city council.

{ SEAL. } In testimony whereof, we have hereunto set our hands and affix the corporate seal of the city of Belleville, this 3d day of March, A. D. 1862.

HENRY GOEDEKING, *Mayor.*

FRED. H. PIEPER, *City Register.*

LIST OF OFFICERS.

1850.

MAYOR: THEOD. J. KRAFFT.

Aldermen:

1st Ward—JOHN R. NOLEN.
2d " PETER WILDING.
3d " FRANCIS STOLTZ.
(afterwards CHARLES MERCK.)
4th Ward—DAVID W. HOPKINS.
(afterwards JOSEPH KIRKPATRICK.)

1851.

MAYOR: EDWARD ABEND.

Aldermen:

1st Ward—JOHN R. NOLEN,
(afterwards JOHN MURRAY.)
2d Ward—PETER WILDING.
3d Ward—CHARLES MERCK.
4th " JOSEPH KIRKPATRICK.

1852.

MAYOR: JOHN W. PULLIAM.

Aldermen:

1st Ward—JOHN MURRAY.
2d " PETER WILDING.
3d Ward—CHARLES MERCK.
4th " JOSEPH KIRKPATRICK.

1853.

MAYOR: JOSEPH B. UNDERWOOD.

Aldermen:

1st Ward—JOHN R. NOLEN.
2d " PETER WILDING.
(afterwards EDWARD TITTMAN.)
3d Ward—JAMES W. HUGHES.
4th " JOSEPH KIRKPATRICK.
(afterwards JAS. AFFLECK.)

1854.

MAYOR: WM. C. DAVIS. (Afterwards JAMES W. HUGHES.)

Aldermen:

1st Ward—PHILLIP HUFF.
JOHN R. NOLEN.
2d " FRANCIS STOLTZ.
JOHN KLUG.
3d Ward—JAMES W. HUGHES,
(afterwards JOHN MAUS.)
ANTHONY LOBSINGER.
4th Ward—JAMES AFFLECK.
WILLIAM ERHARDT.

1855.

MAYOR: JAMES W. HUGHES.

Aldermen:

1st Ward—JOHN R. NOLEN.
PHILIP HUFF.
2d " FRANCIS STOLTZ.
THOMAS HEBERER.
3d Ward—ANTHONY LOBSINGER.
SIMON EIMER.
4th " JAMES AFFLECK.
WILLIAM ERHARDT.

1856.

MAYOR: JAMES W. HUGHES.

Aldermen:

1st Ward—JOHN R. NOLEN.
PHILIP HUFF.
2d " FRANCIS STOLTZ.
JACOB LAUFFERT.
3d Ward—ANTHONY LOBSINGER.
SIMON EIMER.
4th " JAMES AFFLECK.
WILLIAM ERHARDT.

1857.

MAYOR: EDWARD ABEND.

Aldermen:

1st Ward—LOUIS RAUSCHKOLB.
FREDERICK H. PIEPER.
2d " BARUCH KANMAN,
FRANCIS STOLTZ,
(afterwards JOHN GUNDLACH.)
3d Ward—PETER LILL.
ANTHONY LOBSINGER,
(afterwards JOHN FRIEDMAN.)
4th Ward—JAMES AFFLECK.
RUDOLPH WILLMAN.

1858.

MAYOR: EDWARD ABEND.

Aldermen:

1st Ward—FREDERICK H. PIEPER.
LEWIS RAUSCHKOLB.
2d " FREDERICK MOEHLMAN.
BARUCH KANMAN.
3d Ward—HENRY BRUA.
PETER LILL.
4th " JAMES AFFLECK.
RUDOLPH WILLMAN.

1859.

MAYOR: PETER WILDING.

Aldermen:

1st Ward—LEWIS RAUSCHKOLB.
ADAM AULBACH.
2d " FREDERICK MOEHLMAN,
J. FREDERICK BAUMANN.
3d " ANTHONY LOBSINGER,
(afterwards PETER LILL).
3d Ward—HENRY BRUA,
(afterwards SIMON EIMER.
4th " JOHN BIESER.
RUDOLF WILLMAN.

1860.

MAYOR: PETER WILDING. (Afterwards FREDERICK H. PIEPER.)

Aldermen:

1st Ward—ADAM AULBACH.
LEWIS RAUSCHKOLB.
2d " JACOB STITZELBERGER.
G. FREDERICK BAUMANN,
3d " SIMON EIMER,
(afterwards JOHN FREIDMAN.)
3d Ward—PETER LILL.
4th " WILLIAM JANSEN.
JOHN BIESER,
(afterwards CHARLES DOLICH.)

1861.

MAYOR: HENRY GOEDEKING.

Aldermen:

1st Ward—ADAM AULBACH.
LEWIS RAUSCHKOLB.
2d " JACOB STITZELBERGER.
G. FREDERICK BAUMANN.
3d Ward—PETER LILL.
JOHN FREIDMAN.
4th " WILLIAM JANSEN.
JACOB BROSIUS.

AN ACT

TO INCORPORATE THE CITY OF SPRINGFIELD.

ARTICLE I.

Boundaries and general powers.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly*, That the inhabitants of the town of Springfield, in the county of Sangamon, and the State of Illinois, be and they are hereby constituted a body politic and corporate, by the name and style of the city of Springfield, and by that name shall have perpetual succession, and may have and use a common seal, which they may change and alter at pleasure.

§ 2. All that district of country enclosed within the following boundaries, to-wit: Being in Sangamon county and State of Illinois, one mile square; the State House is [being] the centre of [said city of Springfield.]

§ 3. The president and board of trustees of the town of Springfield, shall on or before the first day of March next, or as soon thereafter as practicable, divide the said city of Springfield, into four wards, as nearly in population as practicable, particularly describing the boundaries of each.

§ 4. Whenever any tract of land adjoining the city of Springfield shall or may have been laid off into town lots and duly recorded as required by law, the same shall be annexed to and form a part of the city of Springfield.

§ 5. The inhabitants of said city, by the name and style aforesaid, shall have power to sue and be sued, to implead and be impleaded, defend and be defended in all courts of law and equity, and in all actions whatever. To purchase, receive and hold property, real and personal, beyond the city, for burial grounds, as for other public purposes, for the use of the inhabitants of said city. To sell, lease, convey or dispose of property, real and personal, for the benefit of the city, and to improve and protect such property, and to do all other things in relation thereto as natural persons.

ARTICLE II.

Of the city council.

SECTION 1. There shall be a city council, to consist of a mayor and board of aldermen.

§ 2. The board of aldermen shall consist of one member from each ward, to be chosen by the qualified voters for two years.

§ 3. No person shall be an alderman unless at the time of his election he shall have resided six months within the limits of the city, and shall be at the time of his election a *bona fide* free holder in said city, and twenty-one years of age, and a citizen of the United States.

§ 4. If any alderman shall, after his election, remove from the ward for which he is elected, or cease to be a free holder in said city, his office shall thereby be vacated.

§ 5. At the first meeting of the city council the aldermen shall be divided by lot into two classes, the seats of those of the first class shall be vacated at the expiration of the first year, and of the second class at the expiration of the second year, so that one-half of the board shall be elected annually.

§ 6. The city council shall judge of the qualifications, elections, and returns of their own members, and shall determine all contested elections.

§ 7. A majority of the city council shall constitute a quorum to do business, but a smaller number may adjourn from day to day, and compel the attendance of absent members under such penalties as may be prescribed by ordinance.

§ 8. The city council shall have power to determine the rule of its proceedings, punish its members for disorderly conduct, and with the concurrence of two-thirds of the members elected, expel a member.

§ 9. The city council shall keep a journal of its proceedings, and from time to time, publish the same, and the yeas and nays when demanded by any member present, shall be entered on the journal.

§ 10. No alderman shall be appointed to any office under the authority of the city, which shall have been created, or the emoluments of which shall have been increased during the time for which he shall have been elected.

§ 11. All vacancies that shall occur in the board of aldermen shall be filled by election.

§ 12. The mayor and each alderman, entering upon the duties of their office, shall take and subscribe an oath "That they will support the constitution of the United States, and of this State, and that they will well

and truly perform the duties of their office to the best of their skill and abilities."

§ 13. Whenever there shall be a tie in the election of aldermen, the judges of election shall certify the same to the mayor, who shall determine by lot in such manner as shall be provided by ordinance.

§ 14. There shall be twelve stated meetings of the city council in each year, and at such times and places as may be prescribed by ordinance.

ARTICLE III.

Of the chief executive officers.

Section 1. The chief executive officer of the city shall be a mayor, who shall be elected by the qualified voters of the city, and shall hold his office for one year, and until his successor shall be elected and qualified.

§ 2. No person shall be eligible to the office of mayor, who shall not have been a resident of the city for one year next preceding his election, or who shall be under twenty-one years of age, or who shall not at the time of his election be a *bona fide* freeholder in said city, and a citizen of the United States.

§ 3. If any mayor shall, during the time for which he shall have been elected, remove from the city, or shall cease to be a freeholder in said city, his office shall be vacated.

§ 4. When two or more persons shall have an equal number of votes for mayor, the judges of election shall certify the same to the city council, who shall proceed to determine the same by lot in such manner as may be provided for by ordinance.

§ 5. Whenever an election of mayor shall be contested, the city council shall determine the same in such manner as may be provided by ordinance.

§ 6. Whenever any vacancy shall happen in the office of mayor, it shall be filled by election.

ARTICLE IV.

Of Elections.

Section 1. On the third Monday of April next, an election shall be held in each ward of said city, for one mayor for the city, one alderman from each ward, and forever thereafter, on the third Monday of April after, each year there shall be an election held for one mayor for the city, and two aldermen from two of the wards; the first election held for mayor and aldermen shall be held, conducted, and returns thereof [made] as may be provided by ordinance of the present trustees of the town of Springfield.

§ 2. All free white male inhabitants, citizens of the United States, of the age of twenty-one years, who are entitled to vote for State officers, and who shall have been actual residents of said city six months next preceding said election, shall be entitled to vote for city officers: *Provided*, that the said voters shall give their votes for mayor and aldermen in wards in which they respectively reside, and in no other; and that no vote shall be received, at any of said elections, unless the person offering such vote shall have been an actual resident of the ward, where the same is offered, at least ten days next preceding such election.

ARTICLE V.

Of the legislative powers of the city council.

SECTION 1. The city council shall have power and authority to levy and collect taxes upon all property, real and personal, within the city, not exceeding one-half per cent. per annum upon the assessed value thereof, and may enforce the payment of the same in any manner prescribed by ordinance, not repugnant to the constitution of the United States and of this State.

§ 2. The city council shall have power to require of all officers appointed in pursuance of this charter, bonds, with penalty and security, for the faithful performance of their respective duties, as may be deemed expedient, and also to require all officers appointed, as aforesaid, to take an oath for the faithful performance of the duties of their respective offices upon entering upon the discharge of the same.

§ 3. To establish, support and regulate common schools; to borrow money on the credit of the city: *Provided*, that no sum or sums of money shall be borrowed at a greater interest than six per cent. per annum, nor shall the interest on the aggregate of all the sums borrowed and outstanding ever exceed one-half of the city revenue arising for taxes assessed on real property within the corporation.

§ 4. To make regulations to prevent the introduction of contagious diseases into the city; to make quarantine laws for that purpose, and enforce the same.

§ 5. To appropriate and provide for the payment of the debt [and] expenses of the city.

§ 6. To establish hospitals, and make regulations for the government of the same.

§ 7. To make regulations to secure the general health of the inhabitants; to declare what shall be a nuisance, and to prevent and remove the same.

§ 8. To provide the city with water; to dig wells and erect pumps in the streets for the extinguishment of fires, and convenience of the inhabitants.

§ 9. To open, alter, widen, extend, establish, grade, pave or otherwise improve and keep in repair streets, avenues, lanes and alleys.

§ 10. To establish, erect and keep in repair bridges.

§ 11. To divide the city into wards, and specify the boundaries thereof, and create additional wards, as the occasion may require.

§ 12. To provide for lighting the streets and erecting lamp posts.

§ 13. To establish, support and regulate night watches.

§ 14. To erect market houses, establish markets and market places, and provide for the government and regulation thereof.

§ 15. To provide for erecting all needful buildings for the use of the city.

§ 16. To provide for enclosing, improving, and regulating all public grounds belonging to the city.

§ 17. To license, tax, regulate auctioneers, merchants and retailers, grocers, taverns, ordinaries, hawkers, peddlers, brokers, pawn-brokers, and money changers.

§ 18. To license, tax and regulate hacking, carriages, wagons, carts and drays, and fix the rates to be charged for the carriage of persons, and for the wagonage, cartage and drayage of property.

§ 19. To license and regulate porters and fix the rates of porterage.

§ 20. To license and regulate theatrical and other exhibitions, shows and amusements.

§ 21. To tax, restrain, prohibit and suppress tippling houses, dram shops, gaming houses, bawdy and other disorderly houses.

§ 22. To provide for the prevention and extinguishment of fires, and to organize and establish fire companies.

§ 23. To regulate the fixing of chimneys and the flues thereof, and stove pipes.

§ 24. To regulate the storage of gunpowder, tar, pitch, rosin and other combustible materials.

§ 25. To regulate and order parapet walls and partition fences.

§ 26. To establish standard weights and measures, and regulate the weights and measures to be used in the city, in all other cases not provided for by law.

§ 27. To provide for the inspection and measuring of lumber and other building materials: and for the measurement of all kinds of mechanical works.

§ 28. To provide for the inspection and weighing of hay, lime, and stone coal, the measuring of charcoal, firewood, and other fuel, to be sold or used within the city.

§ 29. To provide for and regulate the inspection of tobacco, and of beef, pork, flour, meal, and whisky in barrels.

§ 30. To regulate the weight, quality and price of bread sold and used in the city.

§ 31. To provide for taking the enumeration of the inhabitants of the city.

§ 32. To regulate the election of city officers, and to provide for removing from office any person holding an office created by ordinance.

§ 33. To fix the compensation of all city officers, and regulate the fees of jurors, witnesses and others, for services rendered under this act or any ordinance.

§ 34. To regulate the police of the city, to impose fines, and forfeitures, and penalties for the breach of any ordinance, and provide for the recovery and appropriation of such fines and forfeitures, and the enforcement of such penalties.

§ 35. The city council shall have exclusive power within the city, by ordinance, to license, regulate, and suppress and restrain billiard tables, and from one to twenty pin alleys, and every other description of gaming or gambling.

§ 36. The city council shall have power to make all ordinances which shall be necessary and proper for carrying into execution the powers specified in this act, so that such ordinance be not repugnant to, nor inconsistent with, the consitution of the United States, or of this state.

§ 37. The style of the ordinances of the city shall be: "Be it ordained by the city council of the city of Springfield."

§ 38. All ordinances passed by the city council shall, within one month after they shall have been passed, be published in some newspaper published in the city, and shall not be in force until they shall have been published as aforesaid.

§ 39. All ordinances of this city may be proven by the seal of the corporation, and when printed and published by authority of the corporation, the same shall be received in evidence in all courts and places without further proof.

ARTICLE VI.

Of the Mayor.

SECTION 1. The mayor shall preside at all meetings of the city council, and shall have a casting vote and no other. In case of non-attendance of

the mayor at any meeting, the board of aldermen shall appoint one of their own members chairman, who shall preside at that meeting.

§ 2. The mayor or any two aldermen may call special meetings of the city council.

§ 3. The mayor shall, at all times, be active and vigilant in enforcing the laws and ordinances for the government of said city; he shall inspect the conduct of all subordinate officers of said city, and cause negligence and positive violation of duty to be prosecuted and punished; he shall from time [to time] communicate to the aldermen such information, and recommend all such measures, as in his opinion may tend to the improvement of the finances, the police, the health, security, comfort and ornament of the city.

§ 4. He is hereby authorized to call on any male inhabitant of said city over the age of eighteen years to aid in enforcing the laws and ordinances; and in case of riot, to call out the militia to aid him in suppressing the same, or in carrying into effect any law or ordinance, and any person who shall not obey such call shall forfeit to the said city, a fine not exceeding five dollars.

§ 5. He shall have power, whenever he may deem it necessary, to require of any of the officers of the said city an exhibit of his books and papers.

§ 6. He shall have power to execute all acts that may be required of him by any ordinance made in pursuance of this act.

§ 7. He shall be commissioned by the governor as a justice of the peace for said city and county, and as such shall be a conservator of the peace in the said city; and shall have power and authority to administer oaths, issue writs and processes under the seal of the city, to take depositions, the acknowledgments of deeds, mortgages, and all other instruments of writing and certify to the same under the seal of the city, which shall be good and valid in law.

§ 8. He shall have exclusive jurisdiction in all cases arising under the ordinances of [the] corporation, and concurrent jurisdiction with all justices of the peace in all civil and criminal cases within the limits of the city, arising under the laws of the State, and shall receive the same fees and compensation for his services in similar cases.

§ 9. He shall also have such jurisdiction as may be vested in him by ordinance for the purpose of enforcing the health and quarantine ordinances and regulations thereof, and he shall receive for his services such salary as shall be fixed by ordinance of the city.

§ 8. [10.] In case the mayor shall, at any time, be guilty of palpable

omission of duty, or shall willfully and corruptly be guilty of oppression, mal-conduct, or partiality in the discharge of the duties of his office, he shall be liable to be indicted in the circuit court of Sangamon county, and, on conviction, he shall be fined not more than two hundred dollars; and the court shall have power, on recommendation of the jury, to add to the judgment of the court, that he be removed from office.

ARTICLE VII.

Proceedings in special cases.

SECTION 1. When it shall be necessary to take private property, for opening, widening, or altering any public streets, lanes, avenue, or alley, the corporation shall make a just compensation therefor to the person whose property is so taken; and if the amount of such compensation cannot be agreed upon, the mayor shall cause the same to be ascertained by a jury of six disinterested freeholders of the city.

§ 2. When the owner [s] of all the property and [on any] street, lane, avenue, alley, proposed to be opened, widened or altered, shall petition therefor, the city council may open, widen, or alter such street, lane, avenue, or alley, upon condition to be prescribed by ordinance, but no compensation shall in such case be made to those whose property shall be taken, for opening, or altering such street, lane, avenue, or alley, nor shall there be any assessment of benefits or damages that may accrue thereby to any of the petitioners.

§ 3. All persons empannelled to enquire into the amount of benefit or damages which shall happen to the owners of property proposed to be taken for opening, widening, or altering any street, lane, avenue, or alley, shall be first sworn to that effect, and shall return to the mayor their inquest in writing, and signed by the jurors.

§ 4. In ascertaining the amount of compensation for property taken for opening, widening or altering any street, lane, avenue or alley, the jury shall take into consideration the benefit as well as the injury happening by such opening, widening or altering such streets, lanes, avenues or alleys.

§ 5. The mayor shall have power, for good cause shown within ten days after any inquest shall have been returned to him, as aforesaid, to set the same aside, and order a new inquest to be made.

§ 6. The city council shall have power, by ordinance, to levy and collect a special tax on the holders of the lots in any street, lane, avenue or alley, or part of any street, lane, avenue or alley, according to their respective fronts owned by them, for the purpose of paving and grading the sidewalks, and lighting such streets, lanes, avenues or alleys.

ARTICLE VIII.

Miscellaneous Provisions.

SECTION 1. The inhabitants of the city of Springfield are hereby exempted from working on any road beyond the limits of the city, and from paying any tax to procure laborers upon the same, and from any tax for county purposes except upon real estate: *Provided*, the corporation shall support and provide for all the resident paupers of said city, and pay the expenses of the circuit court in all criminal cases arising out of the offenses of any citizen of said city, as also jail fees which may accrue therefrom, viz: boarding and lodging of criminals, or charges that may be just and equitable.

§ 2. The city council shall have power for the purpose of keeping the streets, lanes, avenues or alleys in repair, and require any male inhabitants in said city, of twenty-one years of age, to labor on said street, lane, avenue or alleys, not exceeding three days in each and every year; and any person failing to perform such labor, when duly notified by the supervisor, shall forfeit and pay not to exceed one dollar per day for each day so neglected or refused.

§ 3. The city council shall have power to provide for the punishment of offenders, by imprisonment in county or city jail, in all cases when such offenders shall fail or refuse to pay the fines and forfeitures which may be recovered against them.

§ 4. The city council shall cause to be published, annually, a full and complete statement of all moneys received and expended by the corporation during the preceding year, and on what account received and expended.

§ 5. All ordinances and resolutions passed by the president and trustees of the town of Springfield shall remain in force until the same shall have been repealed by the city council hereby created: *Provided*, no contract or agreement shall be affected thereby.

§ 6. All suits, actions and prosecutions instituted, commenced or brought by the corporation hereby created, shall be instituted, commenced and prosecuted in the name of the city of Springfield.

§ 7. All actions, fines, penalties and forfeitures, which have accrued to the president and trustees of the town of Springfield, shall be vested in, and prosecuted by, the corporation hereby created.

§ 8. All property, real and personal, heretofore belonging to the president and trustees of the town of Springfield for the use of the said inhabitants of said town, shall be, and the same is hereby declared to be vested in the corporation hereby created.

§ 9. This charter shall not invalidate any act done by the president and trustees of the town of Springfield, nor divest them of any right which may have accrued to them prior to the passage of this act.

§ 10. The president and trustees of the town of Springfield shall, immediately after the passage of this law, within the limits of the city of Springfield, issue their proclamation for the election of officers, and cause the same to be published in all the newspapers in said city, for four weeks in succession prior to the day of election for said officers.

§ 11. Appeals shall be allowed from the decision in all cases arising under the provisions of this act or any ordinance passed in pursuance thereof, to the circuit court of Sangamon county, and every such appeal shall be taken and granted in the same manner and like effect as appeals are taken from, and granted by, justices of the peace to the circuit court under the law of this State.

§ 12. Whenever the mayor shall absent himself from the city, or shall resign, or die, or his office shall otherwise be vacated, the board of aldermen shall immediately proceed to elect one of their number president, who shall be the mayor *pro tem.*

§ 13. This act is hereby declared to be a public act, and may be read in evidence in all courts of law and equity in this State without proof.

§ 14. All acts or part of acts coming within the provisions of this charter, or contrary to or inconsistent with its provisions, are hereby repealed.

§ 15. The city marshal, or any other officer authorized to execute writs or other process issued by the mayor, shall have power to execute the same any where within the limits of the county of Sangamon, and shall be entitled to the same fees for traveling as are allowed to constables in similar cases.

§ 16. It shall be the duty of the president and trustees of the town of Springfield, immediately after the passage of this act, to cause the same to be published two weeks in succession in two of the public journals printed in said town, and thereafter give notice for a public meeting of the legal voters of said town, who shall have been resident citizens thereof at least six months preceding said meeting, to be held at the court house on the first Monday of April next, for the purpose of then and there voting for the adoption or rejection of this act. The majority of the legal voters there present shall determine the adoption or rejection of the same: *Provided*, that at any subsequent meeting, like notice being given as aforesaid, the same may be adopted and take effect immediately thereafter.

Approved by the council, Feb. 3, 1840.

AN ACT

TO INCORPORATE TOWNS AND CITIES.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly*, That any incorporated town or city in this State may have power to provide by ordinance that every person against whom any judgment may hereafter be recovered, in favor of said town or city, for a penalty or fine for a breach of any ordinance, instead of being committed to jail, may be required to labor on the streets until the whole fine and costs shall be paid, at the same rate per day as may be allowed as a forfeiture for a failure to perform street labor under the direction of the street commissioner.

§ 2. The corporate authorities of any city or town in this State may have power to declare what shall be a nuisance, and to prevent and remove the same as much as one-half mile beyond the limits of the corporation, with full power to impose a fine for a violation of any ordinance to that effect.

§ 3. Whenever it may be necessary to pave or grade any street or front lots, or to fill up or alter any lot that may be declared to be a nuisance, said corporate authorities may have power, upon the failure of the owner of any lot to pave, grade or fill up said lot, or to pay the taxes or fine that may be assessed on the owner or owners thereof, to require that said lot, or so much thereof as may be necessary, shall be sold for the payment of the tax or fine and cost, in the manner authorized for the collection of other taxes, and all assessments so made shall constitute a lien on said lot.

§ 4. The corporate authorities of all towns and cities incorporated under chapter twenty-five, entitled "corporations," of the revised code, or under any special act, shall have power to pass all the ordinances and by-laws, and possess all the powers authorized under the laws and amendatory acts incorporating either of the cities of Springfield or Quincy: *Provided*, that towns containing a population of less than fifteen hundred white inhabitants shall have no other officers or allow any other compensation than is allowed under chapter twenty-fifth of the revised code, unless expressly authorized by law.

§ 5. The inhabitants of any town containing a population of not less than fifteen hundred inhabitants may be incorporated by the name and

style of the "city of ———," when a majority of the legal voters thereof shall vote in favor of being incorporated as a city, at an election to be held at the court house, notice being given, by being published for two weeks in succession in any newspaper published in said town, by the president and trustees of said town, or by giving such notice as may be prescribed under an ordinance passed by the president and trustees of said town.

§ 6. All the articles and provisions in either of the acts incorporating Quincy or Springfield, prescribing the duties of the president and trustees, ordering an election of city officers, prescribing the powers of the city, of the city council, executive officers, elections, legislative powers of city council, of the mayor, proceedings in special cases, and miscellaneous provisions, shall be the rule by which the corporate authorities of any city incorporated under the provisions of this act shall be governed: *Provided*, no city incorporated under this act shall be exempt from the payment of a county tax, nor be required to support the paupers.

§ 7. The boundaries of any city incorporated under this act may include one mile square, and any tract of land adjoining laid off into town lots and duly recorded as required by law, and any tract of land adjoining said city, with the consent of the owner thereof, within the limits of one-half mile from the boundary of said city.

§ 8. The inhabitants of any town or city, in the corporate name, may purchase, receive, and hold real estate beyond the limits as [of] their corporate limits for the purpose of burying grounds.

§ 9. Whenever the corporate authorities of any town or city may wish to have the taxes, authorized to be levied under and by virtue of their respective charters, or under the general act, upon filing a certificate of the rate authorized under the authority of the said corporation, in the office of the clerk of the county court, it shall be the duty of the collector of taxes for the State and county, to collect the taxes for said town or city, upon the assessment of the value of all the property within the limits of said corporation, as ascertained by the assessment for State and county purposes, and enforce the payment thereof in the same manner, and with all the rights, power and authority as he has to collect State and county taxes, and shall pay the same over to the order of the corporate authorities at the same time he is required to pay over the county revenue, and the court of the proper county shall render judgment and order sale of any lot or tract for the non-payment of the tax and cost due said town or city, as is or may be provided for State and county taxes; and judgment and sale shall be rendered for the aggregate amount due for county, State and

town, or city taxes. The collector shall receive the same compensation for collecting the taxes for any town or city, as is allowed for the collection of the State and county revenue; to be paid out of the funds of the corporation, and he shall be liable on his bond for the faithful performance of the duties required under this act.

§ 10. This act to take effect from and after its passage.

Approved February 10, 1849.

Election for City Incorporation of the town of Belleville.

Inasmuch as the town of Belleville now contains nearly four thousand inhabitants, notice is hereby given, that an election will be held at the court house in the town of Belleville on Saturday the 30th day of March, A. D. 1850, between 8 A. M. and 6 P. M. for and against City Incorporation as "the city of Belleville," with the privileges of the city of Springfield, in accordance with the act entitled "An act to incorporate towns and cities."

APPROVED February 10th, 1849.

Attest: HENRY SCHLETH, *Clerk.*

FRANCIS STOLTZ,

President of Board of Trustees of the town of Belleville.

BELLEVILLE, Illinois, April 3d, 1850.

At a meeting of the President and Trustees of the town of Belleville, the clerk delivered the Poll Book of the election held on Saturday the 30th of March last, from which it appears that of the number of 201 votes cast, there were given 185 for the city charter, and against the same 13 votes. H. SCHLETH, *Clerk.*

BELLEVILLE, Illinois, April 8th, 1850.

Be it ordained by the President and Trustees of the town of Belleville, That, Whereas at an election held at the court house in the town of Belleville on the 30th day of March last, a majority of the legal voters, then and there present, have declared themselves in favor of the incorporation of the town of Belleville as a "City," with the privileges of the city of Springfield; and whereas, the charter of said city of Springfield requires that the town of Belleville, for the purpose of election, be divided into four wards. Now, therefore, in conformity with the requisitions of said charter of Springfield, the town of Belleville shall be hereafter and is hereby divided into four wards, the boundaries of which shall be as follows, to-wit:

1. All that north-east part of the town of Belleville, bounded on the west by Illinois street and on the south by Main street, shall constitute the *First Ward.*

2. All that north-west part of the town of Belleville, bounded on the east by Illinois street, and on the south by Main street, shall constitute the *Second Ward.*

3. All that south-west part of the town of Belleville, bounded on the east by Illinois street, and on the north by Main street, shall constitute the *Third Ward.*

4. All that south-east part of the town of Belleville, bounded on the west by Illinois street, and on the north by Main street, shall constitute the *Fourth Ward*.

APPROVED April 8th, 1850. H. SCHLETH, *Clerk*.

SPECIAL AND GENERAL LAWS OF THE STATE OF ILLINOIS

RELATING TO

The City of Belleville and to incorporated Towns and Cities.

An act to legalize the incorporation of the City of Belleville, and the official acts of the City Council of said city, and to empower said city to borrow money at a rate of interest not exceeding ten per centum per annum.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly*, That the incorporation of the town of Belleville as a city, on the thirteenth day of March, A. D. one thousand eight hundred and fifty, in pursuance of the fifth section of an act entitled "An act to incorporate towns and cities," passed February 10th, 1849, be and the same is hereby legalized.

§ 2. That all the official acts of the city council and mayor, or either of them, of said corporation, done since the election of its members, and which, in case of the original legality of said incorporation, would have been according to law up to the period when this act shall take effect, be and the same are hereby legalized.

§ 3. That the third section of the fifth article of the charter of said city of Belleville be so amended as to authorize and empower said city of Belleville to borrow money, at a rate of interest not exceeding ten per centum per annum.

§ 4. This act shall take effect from and after its passage.

APPROVED February 13th, 1851.

An act concerning fines and forfeitures within the limits of the city of Belleville.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly*, That hereafter all fines and forfeitures collected for penalties incurred within the incorporated limits of the city of Belleville, in St. Clair county, shall be paid into the treasury of said city by the officers collecting the same.

§ 2. The provisions of the preceding section shall apply to and be in force in the city of Chicago.

§ 3. This act shall be in force from and after its passage.

Approved February 17th, 1851.

An act granting additional powers to the city of Belleville.

Section 1. *Be it enacted by the people of the State of Illinois represented in the General Assembly*, That the city council of the city of Belleville, shall be, and they are hereby authorized for the purpose of grading, macadamizing, and planking the streets of the city of Belleville, to issue their bonds bearing interest at a rate not exceeding seven per cent. to any amount; the interest thereon not to exceed in the aggregate one-half of the city revenue arising from taxes assessed upon real estate within the incorporation; *Provided*, That no bond bearing interest shall be issued of a less denomination than fifty dollars; nor shall any bond be made payable at a greater distance of time than five years from the date of said bond; and the interest thereon to be paid annually.

§ 2. The city council of the city of Belleville shall have power and authority to purchase, erect, maintain, and regulate, and otherwise provide for poor houses, work houses, and houses of correction, and appoint the necessary officers for the government of the same.

§ 3. That whenever a work house shall be erected and organized in accordance with the provisions of section two of this act, the city council of the city of Belleville may, by ordinance, provide that any person who shall fail or neglect to pay any fine or cost imposed on him, or her, by ordinance of said city for any violation or breach thereof may, instead of being committed to jail, be committed to the work house until such fines and costs are fully paid; and every person so committed to the work house shall be required to work for the city, at such labors as his or her health and strength will permit, within or without said work house, not exceeding ten hours each day, Sundays excepted; and for such work and labors the person so employed shall be allowed, including his or her board, seventy-five cents per day for each day's work, which amount shall go toward paying such fine and cost.

§ 4. The city marshal may serve any process issued under and by virtue of the charter and ordinances of the city of Belleville at any place within the county of St. Clair.

§ 5. That the city of Belleville in adopting, under and by virtue of the

act to incorporate towns and cities, approved February 10th, 1849, the charter of the city of Springfield adopted the original charter, entitled, an act to incorporate the city of Springfield, approved February 3d, 1840. That none of the acts amendatory to the charter of the city of Springfield shall apply to or be considered as forming any part of the charter of the city of Belleville. That said city of Belleville shall hold and possess all the rights and powers specified in said original charter, and such as are given by an act to legalize the incorporation of the city of Belleville and the official acts of the city council of said city, and to empower said city to borrow money at a rate of interest not exceeding ten per cent. per annum, approved February 13th, 1851. *Provided*, the same do not conflict with the constitution or law of the State now in force.

This act shall be in force from and after its passage.

Approved February 10th, 1853.

An act authorizing the city of Belleville to issue bonds.

Section 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly*, That the mayor and aldermen of the city of Belleville shall issue bonds from time to time, of one hundred dollars each, which, in all, shall not exceed fifty thousand dollars. Said bonds shall bear an interest not exceeding ten per cent. per annum, payable on or before the expiration of thirty years from the time they are issued, and be signed by the mayor and countersigned by the secretary or clerk of the board of aldermen. The said bonds may be sold in any market, but not below par, and the proceeds of the sales of said bonds shall be appropriated by said board to improve the city of Belleville, and to erect a market house and other public buildings in said city.

§ 2. The taxes that may hereafter be collected in the city of Belleville, all the public property of said city, and the faith and credit of said city are hereby pledged and made accountable for the perpetual payment of said bonds and the interest thereon, which interest shall be paid annually in the city of Belleville.

§ 3. The mayor and the aldermen of the city of Belleville are hereby authorized and empowered to purchase and to hold for the use of said city a lot or lots of ground whereon to erect a market house and other public buildings for the convenience of said city.

§ 4. This act shall be submitted to the legal voters of the incorporated limits of the city of Belleville, at the next election for mayor and aldermen,

for their approval or rejection. The votes shall be counted as in other elections. The votes given for or against this act shall be recorded by the board, and, if a majority be for it, this act shall take effect and be in force from and after its passage.

APPROVED, February 10th, 1853.

An act for the better government of towns and cities and to amend the charters thereof.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly*, That there shall be established in each of the towns and cities of this State, inferior courts of civil and criminal jurisdiction, which shall be called police magistrates' courts.

§ 2. That there shall be elected in each of the incorporated towns and cities of this State, the population of which shall not exceed six thousand, an officer, who shall be styled police magistrate of the city of ———, or town of ———, as the case may be; in each city of this State, having a population of over six thousand and not exceeding twelve thousand, there shall be elected two police magistrates; and in the cities of this State, whose population shall exceed twelve thousand, there shall be elected three police magistrates; said magistrates shall be elected by the legal voters of such city or town, at the next regular election for city or town officers, and every four years thereafter.

§ 3. Said police magistrate, when elected, shall be commissioned and qualified in the same manner as justices of the peace are, and shall have in their respective counties the same jurisdiction, power and emoluments as other justices of the peace in this State, and they shall also have jurisdiction in all cases arising under the ordinances of their respective towns and cities and for any breaches thereof, where the amount claimed shall not exceed one hundred dollars; and in all cases arising under the ordinances of towns and cities, said magistrates shall be entitled to the same fees as justices of the peace now are for similar services, and to be collected in the same manner: *Provided*, the city or town authorities of any such town or city may make such additional allowance to such police magistrates as they may deem just and expedient; and, in all cases arising under the ordinances of any such town or city, change of venue shall be allowed from one police magistrate to another in cities where there is more than one such magistrate, and in all towns and cities from such police magistrate to the nearest justice of the peace; to be applied for in the same manner and granted on

the same conditions and in the same manner as changes of venue from justices of the peace now are.

§ 4. The rules of practice and proceeding before such police magistrates shall conform to the practice and proceedings before justices of the peace, except in cases where such rules of practice or of proceeding shall be changed or modified by the charter of such town or city, in which case such rules of practice and proceeding shall conform to the said charter.

§ 5. The city marshal of such towns or cities, and all constables of the county in which said town or city may be situated, and all the town or police constables of such towns or cities, respectively, shall be and are hereby authorized to execute all process and orders issued or made by said police magistrates in their respective counties.

§ 6. Appeals shall be allowed from the decision of police magistrates in all cases, to be applied for and taken in the same manner that appeals from justices of the peace may be taken.

§ 7. This act to take effect and be in force from and after its passage.

Approved, February 27th, 1854.

An act to amend the charter of the city of Belleville.

Section 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the city of Belleville shall hereafter extend one mile square, and no more: *Provided*, however, the same may be extended, not exceeding two miles square, by a majority of the qualified voters for State officers, residing within the limits of the proposed extension voting therefor, at any regular election for mayor of said city.

§ 2. Previous to such vote being taken, the city council shall, by order, propose and specifically prescribe the limits of such extension, which order shall be inserted in and made a part of the election notices.

§ 3. In addition to the powers already given to the city council of said city to levy and collect taxes, said council may levy and collect a special tax on all property within said city not exceeding one-fifth per cent. per annum on the assessed value thereof, to be applied exclusively to erecting and furnishing common school houses, and sustaining common schools within said city, to be assessed and collected with, and in the same manner as, other city taxes: *Provided* that a majority of the legal voters of said city, at the next general election for mayor, voting on the subject, shall vote in favor of the school tax.

§ 4. The marshal elected, and all constables residing in said city, shall

have power, and are hereby required, to preserve the peace and good order of said city, to serve all process, to make all arrests and returns as are necessary to carry into effect the jurisdiction herein conferred.

§ 5. All city officers in said city shall hereafter be elected by the qualified voters thereof.

§ 6. It shall not be necessary for any person, if otherwise qualified, to be a citizen of the United States, to entitle him to vote for city officers in said city.

§ 7. The board of aldermen may consist of any number of members not exceeding two from each ward, as may be determined by the city council: *Provided* that each ward shall be entitled to the same number.

§ 8. At the next general election of aldermen, after said city council shall determine that each ward shall be represented by two members, there shall be elected from each ward the number to which it may be entitled. And at the first meeting of the city council after said aldermen shall have been sworn in office, they shall divide themselves, by lot or otherwise, into two classes, one member from each ward in each class, and the seats of those in the first class shall be vacated at the expiration of one year, and those of the second class at the expiration of two years, and annually thereafter there shall be elected one member from each ward, who shall hold his seat for two years, and until his successor is elected and qualified.

§ 9. Any officer willfully neglecting to perform his duties as required by this act, shall be fined not less than ten, nor more than one hundred, dollars.

§ 10. Juries and appeals shall be allowed on the same conditions as allowed by the general laws, applicable to justices of the peace.

§ 11. Justices of the peace, the marshal and constables shall be allowed the same fees for their services as are allowed to justices of the peace and constables by the general laws.

§ 12. This is to be in force from and after its passage.

Approved, March 1st, 1854.

An act to amend an act entitled "An act to amend the charter of the city of Belleville," approved March 1st, 1854.

Section 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly:* That hereafter in all cases properly cognizable before the police magistrate of said city, and the said magistrate shall be absent, or otherwise unable to attend to the same, the mayor of said city

shall have power to designate some other justice of the peace of said city to discharge the office of said police magistrate in such cases, who, for the time being, shall have and exercise all the judicial powers of police magistrate.

§ 2. The city council of said city shall have power to purchase suitable grounds in said city, for the erection thereon of an engine house and market house, and may issue the bonds of said city therefor, in denominations not exceeding one thousand dollars, which may bear any rate of interest not exceeding ten per cent., and redeemable at any time within ten years from their dates.

§ 3. The mayor and board of aldermen shall have power to appoint the marshal, street inspector, city weigher, market master, assessor, register, and treasurer of said city, and such other officers and agents of said city as may by ordinance be created.

§ 4. That all white male residents in said city, twenty-one years of age, who shall have resided therein for six months immediately preceding any election for city officers shall be entitled to vote at such election.

§ 5. The city council shall have power to levy and collect a school tax in said city not exceeding one-fifth per cent. upon every hundred dollars' worth of taxable property in said city, to be appropriated to school purposes, under the control of said city council.

§ 6. The said city council may at any time hereafter submit to the legal voters of said city at any general election for city officers, or any special election to be ordered by the said city council for said purpose, whether the said city shall subscribe fifty thousand dollars to the capital stock of the Belleville and Murphysboro' railroad or not, and if a majority of the votes cast at such election shall be in favor of such subscription, the said city council may order and have issued fifty thousand dollars of the said city bonds in denominations of not less than one thousand dollars each, to bear an annual interest of seven per cent., payable semi-annually, at such places as the said city council may designate, and redeemable in twenty years from their date.

§ 7. All acts and parts of acts heretofore passed inconsistent with the provisions of this act are hereby repealed.

Approved, February 15th, 1855.

An act to prevent cities or towns from issuing warrants to circulate as money.

Section 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly*, That in all cases where any city or town

in this State shall be indebted to any person or persons, on any account whatsoever, a warrant or voucher shall be drawn on the treasurer of said city or town for the whole amount found due to such person by the tribunal having power to audit and allow claims against such city or town, and such tribunal shall not, in any case, draw more than one warrant or voucher for the amount allowed to one individual at one time.

§ 2. No warrant or voucher drawn on the treasurer of city or town, shall be drawn in favor of any other person than the one to whom the same may be due, and such warrant or voucher may be in the form now prescribed by law.

§ 3. No treasurer of any town or city in this State shall pay any warrant or voucher drawn on him, unless such warrant be presented for payment by the person in whose favor such warrant is drawn, or his assignee, or executor, or administrator.

§ 4. Any officer or officers of any town or city that shall be guilty of violating the provisions of this act, shall be deemed guilty of a misdemeanor in office; and for every such violation shall be fined in a sum not exceeding five hundred dollars, to be recovered by indictment.

APPROVED, March 4th, 1845.

Certified copies of corporate proceedings, evidence.

Copies of all papers, books or proceedings, or parts thereof, appertaining to transactions in their corporate capacity, of any town or city heretofore incorporated, or now incorporated, or that may hereafter be incorporated, under a general or special law of this State, certified to be true copies by the clerk or keeper of the same under the seal of said town or city, or under the private seal of said clerk or keeper, if there be no public seal; the said clerk or keeper also certifying that he is entrusted with the safe keeping of the originals, of which he gives certified copies, shall be received as *prima facie* evidence of the facts so certified, in all the courts of this State, in any suit or proceeding pending before them.

APPROVED, March 3d, 1845. [*Chap.* 40, *Sec.* 9, *Rev. Stat.*

An act in relation to appeals from Justices of the Peace.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly*, That in all cases where jurisdiction has been heretofore, or shall be hereafter given to any justice of the peace, mayor

of a city or other officer in this State, over any fine or penalty imposed for the violation of any law of this State, appeals shall be allowed, and may be taken to the circuit court of the county in the same manner that appeals are by law authorized to be taken, and prosecuted from judgments of justices of the peace in other cases.

§ 2. That in all cases of appeals from justices of the peace, mayor of the city, or other officers, no appeal shall be dismissed for any informality in the appeal bond. But it shall be the duty of the court before whom the appeal may be pending, to allow the party to amend the same, so that a trial may be had on the merits of the case.

§ 3. This act shall apply as well to appeals now pending as to appeals which may be taken hereafter.

§ 4. This act to take effect and be in force from and after its passage.

APPROVED, February 9th, 1854.

An act supplemental to an act entitled "An act to provide for a general system of railroad incorporations."

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly*, That whenever the citizens of any city or county in this State are desirous that said city or county should subscribe for stock in any railroad company already organized or incorporated, or hereafter to be organized or incorporated under any law of this State, such city or county may, and are hereby authorized to purchase or subscribe for shares of the capital stock in any such company, in any sum not exceeding one hundred thousand dollars for each of such cities or counties; and the stock so subscribed for or purchased, shall be under the control of the county court of the county, or common council of the city making such subscription or purchase, in all respects as stock owned by individuals.

§ 2. That for the payment of said stock, the judges of the county court of the county, or the common council of the city making such subscription or purchase, are hereby authorized to borrow money at a rate not exceeding ten per cent. per annum, and to pledge the faith of the county or city for the annual payment of the interest, and the ultimate redemption of the principal, or if the said judges or common council should deem it most advisable, they are hereby authorized to pay for such subscription or purchase in bonds of the city or county, making such subscription, to be drawn for that purchase, in sums not less than fifty dollars, bearing interest not exceeding ten per cent. per annum: *Provided*, that no bond shall be paid out at a rate less than par value.

§ 3. The railroad companies already organized or incorporated, or hereafter to be organized or incorporated under the laws of this State, are hereby authorized to receive the bonds of any county or city becoming subscribers to the capital stock of such company, at par, and in lieu of cash, and to issue their bonds, bearing interest not exceeding ten per centum per annum for any moneys by them borrowed for the construction of their railroad and fixtures, or for the purchase of engines and cars, and for such purpose may dispose of any bonds by them received as aforesaid.

§ 4. No subscription shall be made, or purchase, or bond issued, by any county or city under the provisions of this act, whereby any debt shall be created by said judges of the county court of any county, or by the common council of any city, to pay any such subscription, unless a majority of the qualified voters of such county or city (taking as a standard the number of votes thrown at the last general election previous to the vote had upon the question of subscription under this act for county officers,) shall vote for the same, and the judges of the county court of any county, or the common council of any city, desiring to take stock as aforesaid, shall give at least thirty days' notice, in the same manner as notices are given for election of State or county officers in said counties, requiring said electors of said counties or said cities to vote upon the day named in such notices, at their usual place of voting, for or against the subscription for said capital stock, which they may propose to make, and said notices shall specify the company in which stock is proposed to be subscribed, the amount which it is proposed to take, and the time which the bonds proposed to be issued are to run, and the interest which said bonds are to bear; or in case it is proposed to borrow money to pay such subscription, then the notices shall state the terms upon which such loan is to be effected; and the opinion of the electors shall be expressed upon their ballots "for subscription," or "against subscription," and counted and returned by the judges and clerks of elections as in other cases; and if a majority of the voters of said county or city, assuming the standard aforesaid, shall be in favor of the same, such authorized subscription or purchase, or any part thereof, shall then be made by said judges or common council. In case any election had under this act is held upon a day of a general election, then the number of votes thrown at such general election for county officers, shall be the standard of the number of qualified voters as aforesaid. No bonds shall be issued under the provisions of this act by any county or city, excepting for the amounts required to be paid at the time of subscription, and for the amounts of, and at the time when assess-

ments upon all the stock-holders of said company shall be regularly assessed and made payable.

§ 5. This act to take effect from and after its passage.

Approved, November 6, 1849.

An act authorizing incorporated cities to change, alter and vacate streets or parts of streets.

Section 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That when the corporate authorities of any city may deem it for the best interest of their respective cities that any street or part of a street shall be changed, altered or vacated, said authorities shall have the power, upon the petition of the property-holders owning property on such street or part of street, to change, alter or vacate the same, and to convey, by quit-claim deed, all interest which said city may have had in the street or part of street so vacated, to the owner or owners of lots and lands next to and adjoining the same, upon the payment by such owner or owners of all assessments which may be made against their lots and lands, for and on account of benefits to the same arising from such change, alteration or vacation of any street or part of street, as aforesaid.

§ 2. The benefits and damages caused by changing, altering or vacating any street or part of street, as aforesaid, shall be assessed and determined in the manner pointed out by the act incorporating such city, or by the ordinances thereof in other cases.

Approved, February 15th, 1851.

Extract from an act for the assessment of property.

Be it enacted by the people of the State of Illinois, represented in the General Assembly:

* * * * * *

Property exempt from taxation.

§ 3. All property described in this section, to the extent herein limited, shall be exempt from taxation—that is to say:

First.—All lands donated for school purposes, and not sold or leased; all public school houses, and houses exclusively for public worship, the books and furniture therein, and the grounds attached to such building

necessary for the proper occupancy, use and enjoyment of the same, and not leased or otherwise used with a view to profit; all colleges, academies, all endowments made for their support; all buildings connected with the same, and all lands connected with institutions of learning, not used with a view to profit. This provision shall not extend to leasehold estates of real property, held under the authority of any college or university of learning.

Second.—All lands used exclusively as graveyards or grounds for burying the dead.

Third.—All government lands belonging to the United States, and all property, whether real or personal, belonging to this State, and all the swamp and overflowed lands belonging to the several counties of this State, so long as the same may remain unsold by such counties.

Fourth.—All buildings belonging to counties, used for holding courts, for jails or for county offices, with the ground on which such buildings are erected, not exceeding in any county, ten acres.

Fifth.—All lands, houses and other buildings belonging to any county, town or city, used exclusively for the accommodation or the support of the poor.

Sixth.—All buildings, with the furniture appertaining thereto, belonging to institutions of purely public charity, together with the lands actually occupied by such institutions, not leased or otherwise used with a view to profit; and all moneys and credits appropriated solely to sustaining, and belonging exclusively to such institutions.

Seventh.—All fire engines, and other implements used for the extinguishment of fires, with the buildings used exclusively for the safe keeping thereof, and for the meetings of fire companies, whether belonging to any town, or to any fire company organized therein.

Eighth.—All market houses, public squares, or other public grounds, used exclusively for public purposes; and all works, machinery and fixtures, belonging exclusively to any town or city, and used exclusively for conveying water to such town or city.

Ninth.—No person shall be required to list a greater portion of any credits than he believes will be received or can be collected; nor any greater portion of any obligation given to secure the payment of rent, than the amount that shall have accrued on the lease, and shall remain unpaid at the time of such listing. No person shall be required to include in his statement, as a part of the personal property, monies, credits, investments in bonds, stocks, joint stock companies, or otherwise, which he is required to list, any share or portion of the capital stock or property of any company or corporation which is required to list or return its capital and

property for taxation in this State, nor shall any partner be required to list or return any property, liability or supposed balance of said partnership due him, the property, effects and credits of said partnership being listed by any other partner.

APPROVED, February 12, 1853.

An act requiring druggists and all persons dealing in medicines to label all medicines by them sold.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly:* That all druggists, and other persons selling medicines at retail, shall be required to place upon each bottle, vial, or package by them sold, a label, with the name of the medicine which such bottle, vial, or package contains, written or printed thereon.

§ 2. Any person who shall violate the provisions of the foregoing act, shall be subject to a fine of not less than one, nor exceeding five, dollars, to be recovered before any justice of peace in an action of debt: *Provided*, that the provisions of this act shall not apply to physicians in their practice.

APPROVED, February 12th, 1853.

An act to increase the school fund.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly:* That all fines collected by justices of the peace or other county officers, shall be paid to the school commissioner of the county in which the fines are collected, and be made a part of the school fund, and be distributed by said commissioner in the same manner as the State funds are by law now distributed: *Provided*, that nothing in this act shall be so construed as to require fines collected in incorporated towns and cities, for the violation of the by-laws or ordinances of said towns or cities, to be paid to said commissioner.

§ 2. That all laws or parts of laws in conflict with this act are hereby repealed.

§ 3. This act to take effect and be in force from and after its passage.

APPROVED, February 10th, 1853.

An act to repeal an act entitled "An act to prohibit the retailing of intoxicating drinks," approved February 1st, 1851.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly:* That an act entitled "an act to prohibit the

retailing of intoxicating drinks," approved February 1st, 1851, be and the same is hereby repealed.

APPROVED, February 7th, 1853.

An act to amend an act entitled "An act for the better government of towns and cities, and to amend the charters thereof," approved February, 27th, 1854.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly:* That all police magistrates when elected shall severally hold their offices for the term of four years, and until others are elected and qualified, and in case of the death, resignation or removal from the town or city of any of the said police magistrates, their offices shall be deemed thereby vacated, and such vacancies shall be filled by special elections for that purpose, notified and conducted in the same manner as is now provided by law for special elections for justices of the peace.

§ 2. This act shall take effect and be in force from and after its passage.

APPROVED, February 15th, 1855.

An act to amend an act entitled an act for the better government of towns and cities, and to amend the charters thereof. Approved, February 27th, 1854.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That so much of said act as requires the officers therein named to be elected at the election of officers for said towns and cities for the year A. D., 1854, be and is hereby so amended, that in those towns and cities where they failed to elect said officers in the year 1854, they may elect them at the elections to be held therein for said officers in any subsequent year.

§ 2. This act to take effect and be in force from and after its passage.

APPROVED, February 15th, 1855.

An act to prohibit the sale of intoxicating drinks.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That all laws or parts of laws which were in force in relation to the granting of license to persons for the purpose of retailing spirituous, vinous or mixed liquors, at the time of the passage of

an act entitled "An act to prohibit the retailing of intoxicating drinks," approved February 1st, 1851, be and are hereby re-enacted and in full force and effect, as if never repealed: *Provided*, that no license shall be granted to any person for a less sum than fifty dollars, nor more than three hundred dollars per annum. This act shall take effect from and after its passage. And, *provided, further*, That a grocery shall be deemed to include all houses and places where spirituous or vinous liquors are retailed by less quantity than one gallon. The act entitled, "An act to amend an act to reduce the laws incorporating the city of Chicago, and the several acts amendatory thereof, into one act, and to amend the same," and to amend an act to charter the city of Peru, be and the same hereby is repealed, and the provisions therein repealed are hereby revised and re-enacted.

Approved February 12th, 1853.

STATE LAWS RELATING TO CITIES.

An Act amendatory of the Act approved March 3d, 1845, in relation to Fire Companies.

Section 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That, hereafter, fire companies wishing to incorporate under said act herein referred to, shall be allowed to record such intention in the recorder's office in the proper county, and in the register's office in all cities of this state, where such office has been established. Any member of any fire companies in this state shall, during the time he may remain a member of said company, and comply with the rules, and perform the duties thereof, be exempt from road and street labor, or the payment of money in lieu thereof.

Approved February 24. 1859.

An Act providing for the Vacation of Streets, Alleys and Town Plats.

Section 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That the corporate authorities of any town or city shall have power to vacate streets and alleys, upon a petition of two-thirds of the property holders upon said street or alley. The benefits and damages caused by changing, altering or vacating any street, or part of street, or alley, or part of alley aforesaid, shall be assessed and determined

in manner pointed out by the act incorporating such city or town, or by the ordinances thereof in other cases.

§ 2. That so much of the second section of the act to provide for the vacating of town plats, approved February 16, A. D. 1847, as provides that said act shall not apply to the original plat or map of any town located or laid out as or for a county seat, so long as the county seat shall remain at such town, is hereby repealed.

Approved February 19, 1859.

An Act to provide for ascertaining the Qualifications of Voters and to prevent illegal voting.

Whereas, The right of suffrage is the highest privilege of the citizen, and should be guarded with proper vigilance against intrusion and fraud; for the purpose, therefore, of ascertaining the persons who may be entitled to vote at the several elections held under the laws of this state, and to prevent illegal voting thereat,

Section 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That to constitute residence under the constitution and election laws of the state, a permanent abode is necessary, and at all elections, general or special, held in any town, city, district or ward, every person offering to vote, who is not personally known to the judges and inspectors of elections to have such permanent abode, and to have resided in such election district for the space of sixty days immediately preceding such election, shall, if his vote be challenged, take the oath required by law, and in addition thereto, swear or affirm to his place of residence, specifying the particular place and house in which he resides, and stating how long he has there resided, and his business or employment; and, if he has not resided in such house for sixty days immediately preceding such election, he shall state where and in what houses he has resided for the last sixty days, and, in addition thereto, such voter so challenged shall be required to produce two witnesses, both of whom are personally known to said judges of said election, and residents in the precinct, district or ward, or shall be proved by some legal voter or voters of the precinct or district in which said vote is offered to be voted therein, who shall be known to such judges, and each of them shall take the following oath, to be administered by one of the judges of election:

"I do solemnly swear or affirm (as the case may be) that I am a resident of this election district, and entitled to vote at this election, and that

I have been a resident of this election district for one year last past, and that I am well acquainted with the voter whose vote is now offered, that he is an actual and *bona fide* resident of this election district, and that he has resided in this state for one year last past."

§ 2. If any judge of any district shall permit any voter to vote whose vote is so challenged, without the proof required in the first section of this act, or shall knowingly and willfully permit any person to testify as a witness contrary to the provisions of this act. he shall be guilty of a high misdemeanor, and on conviction thereof, shall be fined in the sum of one thousand dollars, and be imprisoned in the county jail six months.

§ 3. If any witness or voter whose vote is so challenged and sworn under the provision of the first section of this act shall knowingly, willfully and corruptly swear falsely, he shall be deemed guilty of perjury, and upon conviction thereof imprisoned in the penitentiary for any term not less than three nor more than twenty-one years.

§ 4. If any person shall vote more than once at any election held under the authority of the laws of this State, or shall vote at any such election, who is not a qualified voter at the place where he so votes, or shall offer to vote after having voted once at such election, he shall, on conviction thereof, be confined in the penitentiary for any time not less than one nor more than five years.

§ 5. At all elections, general or special, in this State, where the vote is by ballot, if the judges of elections are satisfied under the provisions of this act, and the other laws of this State relating to elections, that the person offering the vote is the legal voter, he shall endorse the back of the ticket offered, the number corresponding with the vote on the poll book, and put such ticket immediately in the ballot box, and the clerk of the election shall enter the name of the voter and his number on the poll book.

§ 6. At the close of the polls, the poll books shall be signed by the judges and attested by the clerks. The names therein contained shall then be counted, and the number set down at the foot of the poll books.

§ 7. All the ballots counted by the judges of election, shall after being read, be strung on a strong thread of twine, in the order in which they have been read, and shall then be carefully enveloped and sealed up by the judges, who shall direct the same to the officer or officers to whom by law they are required to return the poll books, and shall be delivered, together with said poll books, to said officer or officers, who shall carefully preserve said poll books for six months, and at the expiration of said time shall destroy them, and in all cases of contested election, the parties contesting the same, shall have the right to have the said package of ballots

opened, and said ballots referred to by witnesses for the purpose of such contest; but said ballots shall only be so examined and referred to in the presence of the officer having the custody thereof.

§ 8. The provisions of this act shall apply to all general and special elections hereafter held in the State, whether for general, town, municipal or other offices, and no person shall be considered as having resided in any ward, or election district, or precinct, unless he shall have had a permanent abode therein for at least thirty days immediately preceding such election.

§ 9. No liquor or other intoxicating drinks shall be sold or given away at retail, nor shall any bar-room or place where liquor or intoxicating drinks are sold at retail, be open on such election day, and it shall be the duty of the sheriff, constable, public officers and magistrates to see that the provisions of this section are enforced, and any violation of its provisions shall be prosecuted and punished in the same manner, and to the same extent, as the keeping of tippling houses open on Sunday, or the first day of the week, is now punished by law.

§ 10. This act shall take effect and be in force from and after its passage.

APPROVED, February 22d, 1861.

An act to prevent illegal voting at the elections.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That, to constitute residence under the election laws of this state, a person shall have resided in the election precinct or district for the term of sixty days, and no person shall be entitled to vote at any election under the laws of this State, excepting under charters for cities and incorporated towns, unless he shall have actually, and in good faith, resided in the election precinct or district in which he offers his vote, any law of this State to the contrary notwithstanding.

§ 2. Any person violating the provisions of this act shall be subject to all the fines, penalties, and punishments that are now provided by law for illegal voting.

§ 3. This act shall take effect and be in force from and after its passage.

APPROVED February 22, 1861.

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